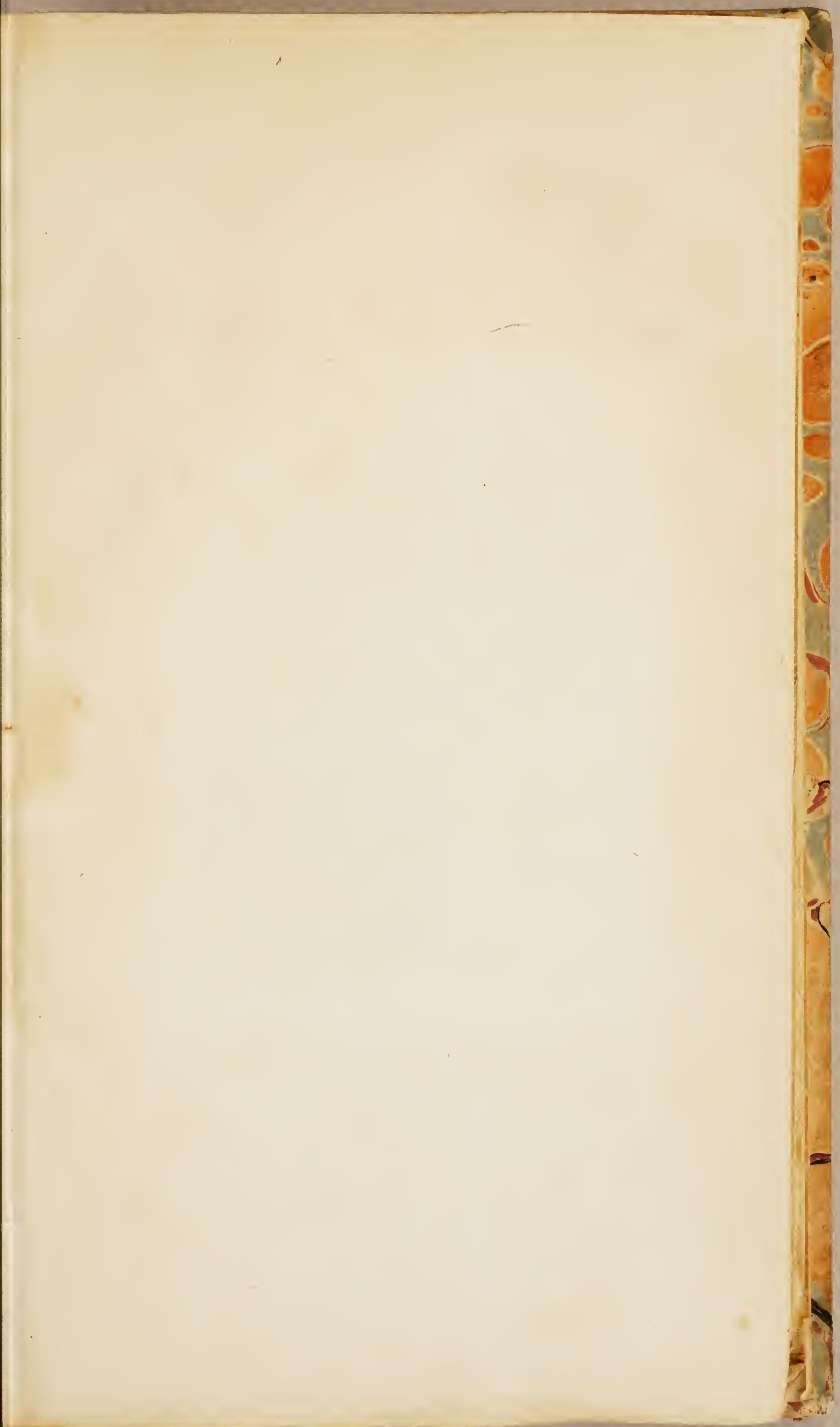
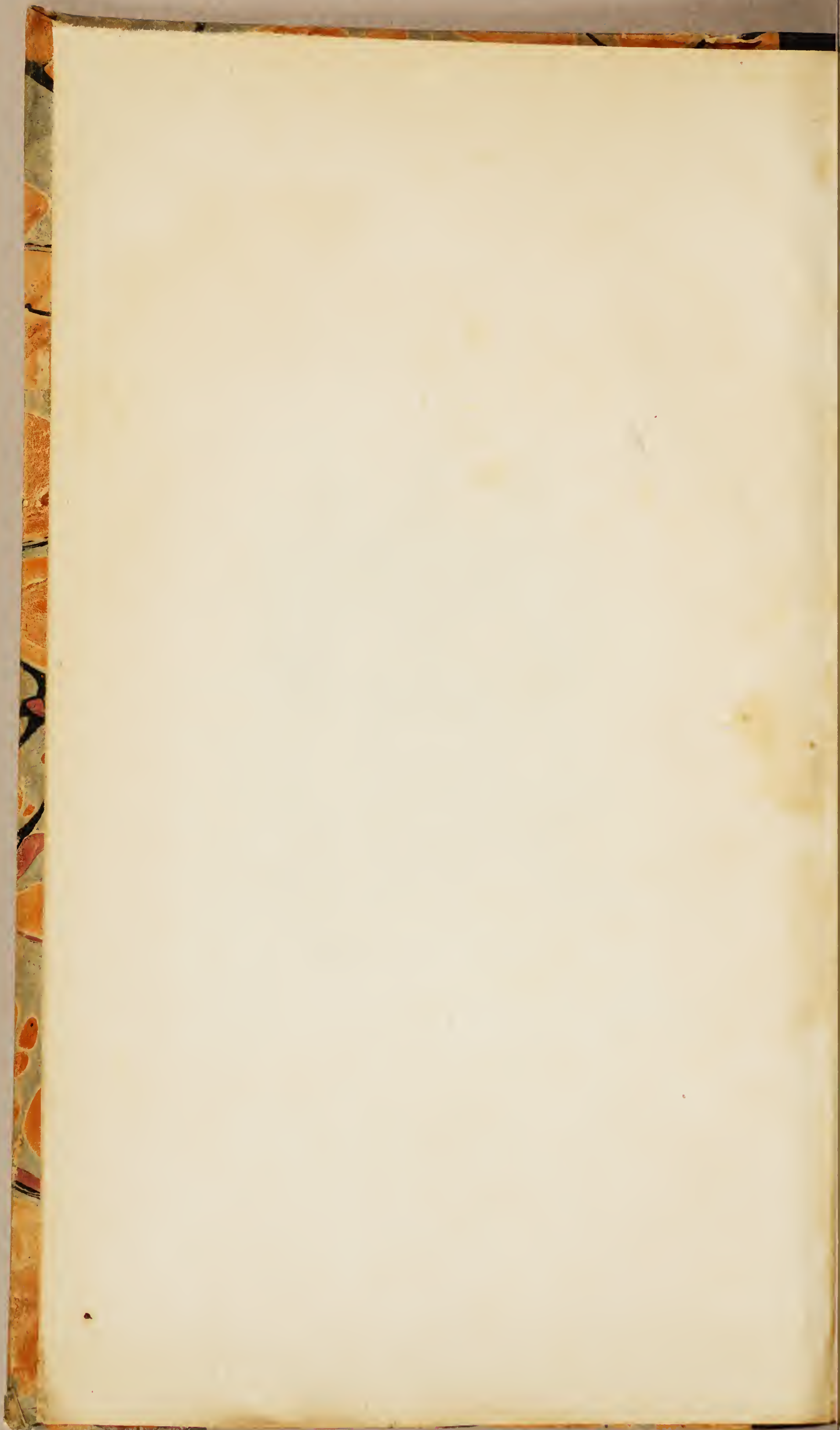


John Carter Brown.





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a reply to Wm Knox

Andrew Lee Book

March 18th 1874



REMARKS

ON THE

REVIEW of the CONTROVERSY

BETWEEN

GREAT BRITAIN and her COLONIES.



[Price in LONDON Two Shillings and Six-pence.]

Nathan Brewster Book

July 1st 1879

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R E M A R K S

ON THE
R E V I E W of the C O N T R O V E R S Y
B E T W E E N
G R E A T B R I T A I N and her C O L O N I E S.

I N W H I C H
The E R R O R S of its A U T H O R are exposed,
A N D
The C L A I M S of the C O L O N I E S vindicated,
Upon the E V I D E N C E of
H i s t o r i c a l F A C T S and a u t h e n t i c R E C O R D S.

To which is subjoined,
A P R O P O S A L for terminating the present unhappy D I S P U T E
with the C O L O N I E S ;
Recovering their C O M M E R C E ;
Reconciliating their A F F E C T I O N ;
Securing their R I G H T S ;
And establishing their D E P E N D E N C E on a just and
permanent B A S I S.

Humbly submitted to the Consideration of the
B R I T I S H L E G I S L A T U R E.

By E D W A R D B A N C R O F T.
NATHAN BREWSTER

Consilia qui dant prava cautis hominibus,
Et perdunt operam et deridentur turpiter.

PHOEDR. Fab. xxv.

L O N D O N : Printed in the Year 1769.

NEW-LONDON, in NEW-ENGLAND :
Re-printed and Sold by T. GREEN. M,DCC,LXXI:

NATHAN BREWSTER

JOHN CARTER BROWN.

REMARKS

ON THE

Review of the CONTROVERSY

BETWEEN

Great Britain and her COLONIES.

THE Right Honourable *George Grenville* succeeded to the Treasury, on its Abdication by Lord *Bute* ; and eager to display the Abilities of a Financier, undertook to provide new Resources for national and ministerial Exigencies, by Commercial Regulations ; an extension of Excise in *Great-Britain* ; and a Tax on the Colonies. An unprecedented Naval Establishment was formed to aid in Collection of the Customs ; the Vigour of Commerce was depressed, and a most valuable Branch of Trade exterminated in *America* : The odious Cyder and Stamp Acts also received Existence, and were received with universal Opposition ; whilst their common Parent, from another Cause, was happily divested of every public Employment. Incessant have been his Endeavours, and various
his

his Expedients, since that Æra, for the Recovery of Power ; among which that of writing himself into Office is not the least considerable. The Public has seen his ministerial Conduct and Capacity applauded without Modesty or Truth, not only in Prose, but Verse *, not only in the Daily Papers, but in Volumes, witten either by himself or Dependants, for no other Purpose. The most considerable of these Performances are, *The Present State of the Nation*; and *The Controversy between Great Britain and her Colonies reviewed*, both apparently written by the same Persons. In the former, the Authors endeavour to convey an Eulogium on Mr. Grenville's political Conduct ; present an exaggerated Idea of those Miseries in which the Nation is involved by the preposterous Measures of the present Ministry ; and by suggesting the Necessity of a Change, to make Way for their Patron's Return to his pristine Power. The latter has been written more especially to obviate the many Objections which have been justly made to Mr. Grenville's Return to Office, on Account of the Difficulties in which the Nation has been already involved by his *American Measures*. Though both these Performances have ultimately the same End in View, they have been very differently received by the Ministry. The former was naturally condemn-

* See an Ode on the present Period of Time, with a Letter addressed to the Right Hon. George Grenville. 4to.

ed ; but the latter, conveying no direct Censure on the present Administration, and aiming only to justify Mr. *Grenville's* former Conduct, by vindicating that national Supremacy over the Colonies, which those in Power have somewhat intemperately supported, has received the concurrent Support of Ministerial, and *Grenvillian* Approbation. It is this Performance that is the Subject of my present Observations. A Performance undertaken with many Advantages, and executed with laboured Fallacy, Art, and Sophistry, for the *laudable* Purpose of encouraging the People of *Great Britain* to oppress their *American* Brethren ; and of persuading the Inhabitants of the Colonies, in Opposition to the Feelings of Nature, and the Dictates of Common Sense, to relinquish those Rights, which alone constitute the Distinctions between Freedom and Slavery.—To oppose a Design so malevolent is the Duty of every Individual, but more especially of every uncorrupt *British American*, not yet converted to a Patricide by a lucrative Office, or ministerial Dependence.—

“ On this Principle, and actuated by these
 “ Motives, it is, that, unawed by the Terrors
 “ that rise before me, I adventure upon my
 “ present undertaking, and set down to expose
 “ *The Review of the American Controversy*,
 “ with the single, and, I hope, honest Purpose,”
 of vindicating the Right of my Fellow Subjects
 in that Country in which I received my Being,
 and

(0)

and of exposing the Fallacy of those Arguments which have been urged against them by the Author, or rather Authors, of the Work before me.—I cannot, indeed, investigate the Nature of those Terrors which these Gentlemen foresaw, as attendant on their Attempt to vindicate that national Sovereignty over the Colonies, which a British Parliament has solemnly asserted (Terrors of which they have expressed lively and affecting Ideas, in the Words I have just recited,) as Reason seems to suggest more Danger in an Undertaking, in some Degree repugnant to the Sovereignty thus asserted. I flatter myself, however, that, as the Colonies are denied every Species of Representation in the British Legislature, I may be allowed, in this Manner, to expose the Grievance attending the present Exercise of Parliamentary Authority over them, who have no better Method of Justification ; provided it be done with that Decency, Moderation, and Justice, which I hope will characterize my present Observations.

The Pleas urged by the Advocates for the Colonies, our Authors have reduced to the two following general Heads : “ The Title of the
“ Inhabitants in the Colonies to all the Rights,
“ Liberties and Privileges of *Englishmen* ; and
“ their Claim to Exemption from the Jurisdiction of Parliament.” But the latter of these Claims, of Exemption from the Jurisdiction

tion of Parliament, was never exhibited by any Advocate for the Colonies, and is a perfect Non-entity, which our Authors have imposed on the Publick, to obtain an Opportunity of combatting Errors of their own Creation, and of *sagaciouſly* demonstrating the obvious Absurdity of claiming the Privileges of *British* Subjects, and at the same Time denying the Jurisdiction of the *British* Legislature.—The Colonies do not deny the Authority of Parliament in any Particular, except that of arbitrarily taking away their Property, actually acquired through all the Restraints which Parliament has opposed to the Acquisition. Had they therefore, imputed to the Colonies a Claim of Exemption from the *Taxation*, instead of “*Jurisdiction*” of Parliament, they would have acted with more Justice.

Having thus erroneously stated the Claims of the Colonies, our Author (for I shall hereafter mention them in the Singular Number, as they mention themselves,) proceeds to shew the Danger they must incur from Prerogative, should they succeed in vindicating their *imputed* Claim of Exemption from Parliamentary Authority, without first proving their Title to the Rights, Liberties, and Privileges of *Englishmen*: To determine the Justice of this Title in the Colonies, he examines the Resolves of their several Assemblies, subsequent to the late Stamp-
B
Act,

Act, and in the Course of his Examination rejects every Fact alledged by them in Support of their Claim to the Rights and Privileges of *Englishmen*. The Law of God and Nature, the natural Rights of Mankind, a Royal Charter, an Act of Parliament, common Justice, &c. are all with him of no Avail ; and he exults in the flattering Idea, of having proved the Contents of the *American* Resolves to be inconsistent and absurd. It is not my Intention to enter into a particular Vindication of the Resolutions of these Assemblies ; it will be sufficient for me to observe, that the Absurdity he has imputed to them, is wholly imaginary, and arises solely from his having imposed on them a Claim of Exemption from Parliamentary Jurisdiction, which they never exhibited. I could wish, however, that our Author had explained the Principles on which the British Nation founds its Title to the Constitution it now enjoys ; since he has rejected those alledged by the *American* Assemblies. I do not mean the Title of an *Englishman* to the Privileges of an *English* Subject, but of the Nation collectively to its Constitution.—I am sufficiently aware of the Impropriety of claiming the Rights belonging to the Members of a State, without yielding Obedience to its Legislative Authority ; but will venture, notwithstanding, to affirm, that if the Colonies should be found without the

Juris-

Jurisdiction of the British Parliament, their Title to Rights and Privileges, similar to those of British Subjects, is founded on Principles as valid, and just, as those which support the Right of the British Nation to its present Constitution. The first Settlers in the *American Colonies*, at the Time of their Migration, besides their natural Right to Freedom, were constitutionally intitled to all the Rights, Privileges, and Immunities of *Englishmen*; and the Security and Perpetuation of these, or similar Privileges, was, in forming the Constitution of the Colonies, expressly stipulated, between the King and People, and confirmed by the Faith of Royal Charters; fundamental, and consequently indefeasible Acts, equally binding on the Prince and Subjects; and I will venture to assert, that neither *Great Britain*, nor any other Nation, has a better Title to its Constitution, than that of the Colonies. Whether the Clauses in their Charters, which expressly convey to their Inhabitants, and their “Children and
 “Posterity which shall be born there, all the
 “Privileges, Liberties, Franchises, and Immu-
 “nities of free Denizens, and natural Subjects,
 “within any of” his Majesty’s “Dominions,
 “to all Intents and Purposes, as if they had
 “been abiding and born within” his “Realm
 “of *England, &c.*” was intended to secure them the Enjoyment of these Privileges in Quality of English Subjects; or only to confirm
 to

to them Privileges similar to those of English Subjects, is of little Importance : Our Author, indeed, denies the Right of the King to grant Foreigners the Privileges of natural Subjects ; but he will not deny the King's Right to grant the Inhabitants of the Colonies without the Realm, Privileges perfectly similar to those of *Englishmen* ; and these will satisfy us in *America*, as well as the very identical ones ; and whenever we chuse to return within the Realm, if our Royal Charters cannot render us *Englishmen*, perhaps it may be expedient to avail ourselves of the Act of the 13th of *George* the Second, which is abundantly sufficient for that Purpose. Our Author has, indeed, objected to this, as inconsistent, in the Assembly of the *Massachusetts* ; but let him not object it to me as such. Ludicrous as he may think it, I assert, that Parliament may have a “ *Right to benefit, but not bind,*” a State, and to “ *give Bounties, but not impose Burthens.*” It may give the People of *Holland*, who live within the Realm, the Privileges of natural Subjects, but not tax them when in their own Country. The Rights of the Colonies being thus secured, whether within or without the Realm, all those alarming Apprehensions of Danger from our falling into the Hands of Prerogative, which our Author, and some others equally *notorious* for their Affection to the Colonies, and solicitous for the Preservation of their Rights, profess to

to entertain, and good naturedly, though somewhat officiously, disclose, appear to have no just Foundation. A King inclined to Despotism might, indeed, invade the Rights of the Colonies, in Spite of those Compacts and Charters, by which they have been solemnly confirmed: But the same King might, with equal Justice and Facility, infringe the Conditions of the Great Charter of *English Liberty*; and from the Corruption which at present universally prevails in this Kingdom, I doubt not but it might be effected with more Impunity than in the Colonies; so that if they should ever be deemed distinct States, I doubt not but their Liberties would be at least as secure from the Encroachments of Prerogative, as those of *Great Britain*.

The next Subject of our Author's Enquiry is, Whether the Colonies ought to be considered as distinct independent States, or mere British Corporations, within the Realm and Jurisdiction of Parliament: And in several Parts of his Review, he endeavours to support the latter Conclusions, though by very delusive Arguments and unfair Representations. Shall I controvert this Conclusion, and expose the Fallacy on which it is founded; or shall I tacitly assent thereto?—The Colonies do not declare themselves distinct States, independent to the British Parliament; nor do I really know whether
they

they would chuse to be considered as such. The present Ministry, indeed, appear solicitous to have them deemed as Parts of the Realm, and already adequately and constitutionally represented in its Legislative Assembly, in which not one Member is elected by, or dependent on them. But as this, if admitted, must reduce them to a State of Slavery, as positive and abject as any that ever was imposed on any People, and as I cannot so far divest myself of Patriotism as to be unconcerned for the Fate of my native Country ; I shall endeavour to expose the Fallacy of this ministerial Position, so injurious to the Colonies, by fairly explaining the Terms, Principles, and Designs of their Settlement ; and the Degree and Mode of Connection, which was intended, and ought to subsist, between them and their Parent Country. To effect this, it will be necessary to review their Political History, the Charters on which they were settled, the Circumstances attending their Settlement, and the Conduct of the King and Parliament towards them since that Æra ; which will afford an Opportunity of exposing the Fallacy and Partiality of our Author's Extracts from the Charters of the several Colonies, and the Acts of Parliament relating to them.—As the original Constitution of the Colonies, and their Connection with this Kingdom, is of Importance in determining the present Controversy, and as our Author has treated it in various
Forms,

Forms, and in different Parts of his Work, I shall beg Leave to refute his Arguments, under one general Head, without regarding the Order (if it may be so called) in which he has disposed them.

“ The first Charter granted by the Crown of
 “ *England* for the Purpose of Colonization, is”
 not “ that granted by King *James* the First, to
 “ the two *Virginia* Companies, dated *April* the
 “ 10th, 1606,” as our Author asserts, “ those
 “ which precede it” not “ having been granted
 “ for the Purpose of *Discovery*” only, but of
Colonization also; the first Patent ever granted
 by the English Crown for planting Colonies,
 being that from Queen *Elizabeth* to Sir *Walter*
Raleigh, investing him with all such Territories
 in *America* as he should Discover and Plant,
 between the 33d and 40th Degrees of *North*
 Latitude, of which the following is an Abstract.

“ *Elizabeth*, by the Grace of God, &c.—
 “ Know ye, that of our special Grace and mere
 “ Motion, we have given and granted, and by
 “ these Presents, for Us, our Heirs and Suc-
 “ cessors, do give and grant, to our trusty and
 “ well-beloved *Walter Raleigh*, Esq; and to his
 “ Heirs and Assigns for ever, free Liberty at all
 “ Times for ever hereafter, to Discover and
 “ View such remote, *Heathen*, and barbarous
 “ Lands and Territories, not actually possessed of
 “ any

“ any *Christian* Prince, or inhabited by *Christian*
 “ People, as to him and them shall seem good,
 “ and the same to have, hold, occupy, and
 “ enjoy, to him, his Heirs and Assigns, for
 “ ever, with all *Prerogatives, Jurisdictions,*
 “ *Royalties, Privileges, and Franchises* thereunto
 “ belonging, by *Sea* or *Land* : And the said
 “ *Walter Raleigh*, his Heirs and Assigns, are
 “ hereby impowred to *build* and *fortify* on such
 “ Land, &c. at their Discretion.

“ And we do likewise impower the said
 “ *Walter Raleigh*, his Heirs and Assigns, to
 “ take and lead in the said Voyage, or to in-
 “ habit there, as many of our Subjects as shall
 “ willingly accompany him or them, with suf-
 “ ficient Shipping and Necessaries for their
 “ Transportation.

“ And further, the said *Walter Raleigh*, his
 “ Heirs and Assigns, shall hold, occupy, and
 “ enjoy, all such Lands and Countries so to
 “ be discovered and possessed ; and the Cities,
 “ Towns, Castles, and Villages in the same,
 “ with the *Royalties, Franchises, and Juris-*
 “ *dictions* thereof, with full Power, &c. reserv-
 “ ing to Us, our Heirs and Successors, the fifth
 “ Part of all Gold and Silver Ore that shall
 “ be acquired or got in such Countries ; and
 “ the same shall be holden of Us, our Heirs
 “ and Successors, by *Homage*, and the Payment
 “ of

“ of the said fifth Part, &c. in Lieu of all
“ Services.

“ And moreover, we do, by these Presents,
“ grant, That the said *Walter Raleigh*, his Heirs,
“ and Assigns, may encounter, expulse, and
“ resist all such Persons as shall, without his
“ or their Consent, attempt to inhabit in the
“ said Countries, &c.

“ And we do further grant to the said *Walter*
“ *Raleigh*, his Heirs and Assigns, full Power
“ and Authority to correct, punish, pardon,
“ and govern, as well in Cases Capital as
“ Criminal and Civil, all such of our Subjects
“ as shall adventure themselves in the said Voy-
“ ages, or inhabit such Lands or Countries ac-
“ cording to such Laws and Statutes as shall
“ be established by him and them, for the
“ better Government of the said People ; so
“ as such Laws be as agreeable to the Laws of
“ *England* as may be, and be not contrary to
“ the Christian Faith, and so as the said People
“ remain subject to the Crown of *England*.

“ Witness Ourselves at *Westminster*, the 25th
“ of *March*, 1584, and in the Twenty-
“ sixth Year of our Reign.”

As our Author chuses to consider the Colo-
nies as unaliabie from the Realm by the Crown,
and as this is the first Royal Grant of *American*
C Territory

Territory to English Subjects, it may not be improper to consider the Title on which it is founded. The Pope was the first who assumed Authority to dispose of the Countries of Infidels, and that by his Apostolic Succession; and to this all *Christian* Princes submitted, when the East was granted to *Portugal*, and the West to *Spain*. But his Right in this Particular being afterwards questioned, every *European* Prince assumed the same Authority, and liberally granted away the Dominion and Property of *Pagan* Countries; judging, undoubtedly, that *Christianity* could alone give a Title to the Enjoyment of this World, or the next. And however ridiculous this may now appear, it is evident, that *Queen Elizabeth's* Grant was founded on no other Title, even from the Patent itself; because, had she been vested with any Right to those Countries, which was not common to all *Christian* Princes, the Reservation in Favour of any *Christian* Sovereigns, by whom those Countries might be possessed, would never have been inserted. And, indeed, it was impossible the Queen could have had any other Title to the Territory in question, unless it was derived from *Sebastian Cabot's* Discovery of the Northern Continent of *America*, near one Hundred Years before. But Discovery, (at best a very slender Title,) when unattended with Possession or Occupancy, (which alone could give it any Validity,) during the long Interval that succeeded, and

and especially when the Property of the discovered Country was already vested in its natural Proprietors and Inhabitants, certainly could afford but a very indifferent Right : Nor does it appear, that *Cabot* ever discovered the Country which was granted by this Patent. But however valid the Queen's Title to the Lands then granted in *America* might be, it was vested in herself only ; and no Person will affirm, that the Nation had any Claims thereto, or that that Part of *America*, situated between the 33d and 40th Degrees of North Latitude, was then annexed to the Realm ; and I believe it will be difficult to prove, that it has been since united thereto, or indeed, that any Power, after it had been legally granted to others, could annex it to the Realm without *their* Consent. If therefore the Crown, by Discovery or otherwise, acquired a Title to any Part of *America*, it belonged to the Crown alone, and could be forever alienated from the Realm, either to Subjects or Foreigners, at the Pleasure of the Crown. As it is an indisputable Maxim, that every Acquisition of foreign Territory is at the King's absolute Disposal, and after being thus alienated from the Realm, cannot be again united to it, without Consent of its Proprietors. Whether the Territory of the Colonies has been in this Manner alienated, their several Charters will best determine. As to Queen *Elizabeth's* Charter to Sir *Walter Raleigh*, it was a modified Grant
of

of the Sovereignty of that Country, with all the Privileges necessary to constitute a distinct State, to be held of the Crown by Homage, &c. the Queen divesting herself of all Share in the Legislative and Executive Authority, prescribing, however, for her own Security, a Model for its Constitution, as agreeable as might be to that of *England*; for that this was the End of the Limitation therein contained, relative to its Laws, will fully appear hereafter. This Charter, after many unsuccessful Attempts to settle a Colony in *Virginia*, being forfeited by Sir *Walter Raleigh's* Attainder, King James the First, by Letters Patent, dated the 10th of *April*, 1606, in the Fourth Year of his Reign, created the two *Virginia* Companies, authorizing them to plant Colonies in *America*, between the thirty-fourth and forty-fifth Degree of North Latitude; granting them for that Purpose, “all the Lands, Woods, Soil, Grounds, “ Havens, Ports, Rivers, Mines, Minerals, “ Marshes, Commodities, Fishings, Hereditaments, Jurisdictions, &c. within the same,” and authorizing them to “inhabit and remain “ there, and also build and fortify within the “ same;” declaring that no other of his Subjects should “be permitted or suffered to inhabit or plant therein,” without their Licence. The Colonies, when planted, were to be governed each by a Council of thirteen Persons, agreeable to such Laws, Ordinances, &c. as should

should be transmitted to them by his Majesty, under his Sign Manual or Privy Seal, and were authorized to “ establish and cause to be made
 “ a *Coin* to pass current there, of such Metal,
 “ and in such Form, as the said several Coun-
 “ cils there shall limit and appoint:” His Majesty therein declaring, that all his Subjects inhabiting the said Colonies, or their Children born therein, should “ have and enjoy all Liberties, Franchises, and Immunities, within
 “ any of his other Dominions, to all Intents and Purposes, “ as if they had been abiding
 “ and born within this his Realm of *England*:”

A Declaration which (with others of a similar Nature in every *America* Charter) expressly implies, that the Colonies were not intended to be within the Realm of *England*. A Council was likewise established here, similar to the Privy Council of *England* and *Ireland*, for the superior Direction of these Colonies ; and the Exercise of the Power it was vested with would have been incompatible with any other Constitution than that of distinct States. Through the Whole of this Charter, the Colonies are considered as being without the Realm, and not the least Provision is made therein for their Dependence, either on the Laws or Legislature of *England*, which are not even named in the Patents. In 1609, a second Charter was granted to the Treasurer and Company of *Virginia*, to enlarge and explain their
 Pri-

Privileges, by which they were erected into
 “ one Body or Commonalty perpetual,” and
 vested with the Property of that Country and
 the Islands lying within one Hundred Miles of
 the Shores of both Seas, with all their Commo-
 dities, Jurisdictions, Royalties, &c. to be holden
 of the King, his Heirs and Successors, as of
 his Manor of *East Greenwich*, in free and com-
 mon Soccage, paying only one fifth of all Gold
 and Silver Ore to be obtained therein, in Lieu
 of all Manner of Services ; vesting in the
 Council for the said Company, first appointed
 by the King, and afterwards chosen by them-
 selves, with the Approbation of the Lord
 Chancellor, “ full Power and Authority to
 “ make, ordain, and establish all Manner of
 “ Orders, Laws, Directions, Instructions,
 “ Forms, and Ceremonies of Government and
 “ Magistracy, fit and necessary for, and con-
 “ cerning the Government of, the said Colony,
 “ and the same to abrogate, revoke, or change
 “ at all Times, not only within the Precincts of
 “ the said Colony, but also on the Seas in go-
 “ ing or coming to or from the said Colony,”
 without any Reservation for securing their De-
 pendance on the Laws, or Parliament of this
 Kingdom, which are here likewise nameless.

It is likewise especially provided, that the
 said Company, “ and every of them, their
 “ Factors, and Assigns, shall be free of all Sub-
 “ sidies

“ fides and Customs in *Virginia*, for the Space of
 “ one-and-twenty Years, and from all Taxes and
 “ Impositions for ever, upon any Goods or Mer-
 “ chandizes at any Time or Times hereafter,
 “ either upon Importation thither, or Exporta-
 “ tion from thence.”—The third Charter from
 the King, dated *March 12, 1611-12*, grants to
 the Treasurer and Company of *Virginia*, all
 Islands lying in the Sea, and within Three Hun-
 dred Miles of *Virginia*, to be held in the same
 Manner, and with the same Privileges, as the
 rest of that Province; and especially ordains,
 that there shall be four Times in each Year,
 “ for ever, one great, general, and solemn As-
 “ sembly, which four Assemblies shall be stiled
 “ and called the Four Great and General Courts
 “ of the Council and Company of Adventurers
 “ of *Virginia*: In all and every of which said
 “ Great and General Courts, so assembled, our
 “ Will and Pleasure is, and we do, for Us, our
 “ Heirs and Successors, for ever, give and
 “ grant to the said Treasurer and Company, or
 “ the greater Number of them so assembled,
 “ that they shall and may have full Power and
 “ Authority, from Time to Time, and at all
 “ Times hereafter, to elect and chuse discreet
 “ Persons to be of our said Council for the first
 “ Colony of *Virginia*, and to nominate and ap-
 “ point such Officers as they shall think fit and
 “ requisite, for the Government, managing, or-
 “ dering and dispatching of the Affairs of the
 “ said Company, and shall likewise have full
 “ Power

“ Power and Authority to ordain and make
 “ such Laws and Ordinances for the Good and
 “ Welfare of the said Plantation, as to them,
 “ from Time to Time, shall be thought requi-
 “ site and meet, *so always as the same be not con-*
 “ *trary to the Laws and Statutes of this our*
 “ *Realm of England.*”

This is the first Instance in which King
James the First ever divested himself of
 all Share in the Legislative and Executive
 Authority of any *American* Colony: And here,
 for the first Time, we find him adding a Clause
 for limiting the Power of Legislation therein,
 to a Conformity with the Laws of *England*,
 similar to that contained in Queen *Elizabeth's*
 Charter to Sir *Walter Raleigh*, which, though
 properly omitted in the preceding Charter, in
 which the King had reserved to himself a
 Power of restraining their Legislation, was now
 become necessary for limiting those Laws
 which he could never afterwards revise or repeal,
 to the end that the Authority, thus solemnly
 granted, might not be perverted to his own Dis-
 advantage; and to prevent this, by prescribing
 a Form and Model for their Civil Constitution,
 over which the Royal Prerogative could after-
 wards have no Power, he wisely inserted the
 aforesaid Clause; and for the same cogent Rea-
 son it was afterwards copied into the Charters
 of *Massachusetts Bay*, *Maryland*, &c. with some
 Variations; as that their Laws should “ be con-
 “ sonant

“ sonant to Reason, and not repugnant or con-
 “ trary, but as near as conveniently may be,
 “ agreeable to the Laws, Statutes, and Rights
 “ of this our Kingdom of *England* ;” a Mode
 of Expression which alone proves, that the
 Clause was not inserted to bind the Colonies to
 obey Acts of Parliament, but only to limit and
 modulate their Government and Laws upon
 Principles conformable to the Constitution of
England : And agreeable to this, we find, that
 the Government of *Virginia*, upon the Arrival of
 Sir *George Yardly*, soon after this Patent had
 been obtained, was new modelled, that it might
 “ resemble the *British* Constitution composed
 “ of two Houses of Parliament and a Sove-
 “ reign : The Number of the Council was in-
 “ creased, intending this Body should represent
 “ the House of Lords, while the House of
 “ Commons was composed of Burgesses assem-
 “ bled from every Plantation and Settlement
 “ in the Country.” *Mod. Univers. Hist.* It
 would, indeed, have been absurd and unneces-
 sary to invest the Colonies with the Power of
 Legislation, if the Laws of *England* were to
 extend thither. Besides, the Limitation in Que-
 stion is very insufficient to authorize any such
 Extension, as their Laws might be very dissi-
 milar, but not repugnant to the Laws of *Eng-
 land*. And we find that Crimes which, in this
 Kingdom, are punishable with Death, in some
 of the Colonies have only a pecuniary Pun-
 D ishment,

inment, *et vice versa* ; the Laws of *England*.
 in general, never having had any Force in
America ; and the Lords of Council having de-
 termined, “ that Acts of Parliament not nam-
 ing the Colonies, shall not bind them : ” And
 if the Clause of Limitation does not give Va-
 lidity to all Acts of Parliament in *America*,
 without Discrimination, it certainly does not to
 any particular ones. But natural and obvious
 as this Construction must appear, the Oppo-
 nents to the Colonies will by no Means admit
 of it, having singled out this restraining Clause
 as sufficient to authorize the Extension of Par-
 liamentary Taxation to *America* ; and our Au-
 thor asserts, that the Colonies cannot pretend
 that their Obedience to Parliamentary Autho-
 rity “ has been altered or released by Charters,
 “ or Authorities, from the Executive Power ;
 “ for, on the contrary, Obedience to the Laws
 “ of *Great Britain*, without any Restriction, is
 “ expressly reserved in every one of them.”
 Thus we see the Sense of this restraining Clause,
 which has been Copied into all the Charters,
 perverted, and Conclusions boldly drawn there-
 from, unwarrantable by Reason or Justice.
 How, then, is the true Intent and Meaning of
 this Clause, for limiting the Legislative Acts of
 the Colonies, to be discovered ? *James* and
Charles, by whom (after *Elizabeth*) this Clause
 was primarily inserted in the *American* Charters,
 and whose Conduct, in this Particular, was the
 Example

Example followed in adding it to the subsequent Charters for Colonization, are long since dead, and unable to give the desired Explanation. If, however, it should be found that these Monarchs, by any Acts of theirs, had clearly and indubitably explained their Intention relative to the Clause in Question, it would be all that can possibly be expected or required ; and I flatter myself that an Explanation of this Nature would receive the Assent of the most prejudiced Person on this Subject, even of Mr. *Grenville* himself ; and at the present *Æra*, when Posts of Honour and Profit are prostituted as Rewards to those, who, by Artifice and Sophistry, are most successful in subverting the Claims of the Colonies, I am particularly happy in reciting Facts which discover the Intention of the Clause in Question, or at least prove beyond Contradiction, that it was not inserted to render the Colonies subject to Parliamentary Authority, or render the Laws of *England* valid in *America*. The Charter which provides that the Laws of *Virginia* shall not be contrary to the Laws and Statutes of *England*, bears Date the 12th of *March*, 1612 ; and on the 25th of *April*, 1621, soon after the Constitution of *Virginia* had received that Form it has ever since retained, when a Bill was proposed in the House of Commons for granting to the Subjects of *England* free Liberty of Fishing on the Coast of *America*, the House was told
by

by the Secretary of State, from his Majesty, that *America* was not annexed to the Realm, and that it was not fitting that Parliament should make Laws for those Countries ; and though the House was uncommonly sollicitous for this Bill, and often offered it for the Royal Assent, it was always refused, by the Crown, for those very just and cogent Reasons. And the King's Successor, *Charles* the First, by whom the *Plymouth*, *Massachusetts*, and *Maryland* Charters were soon after granted, when the same Bill was again offered, refused it the Royal Assent, declaring, at the same time, that it was " unnecessary ; that the Colonies were " without the Realm and Jurisdiction of Parliament, and that the Privy Council would take " order in Matters relating to them ;" though a little after, when the *Maryland* Charter was granted, he reserved to the Subjects of *England* the same Right of Fishing upon the Coast of that Province, which was intended to be secured by the Bill that was denied the Royal Assent ; which abundantly proves, that the King did not refuse the Bill for any secret Reasons, but only because he thought it might afford a Precedent for an unwarrantable Extension of Parliamentary Jurisdiction. Will any Person, who is informed of these Facts, believe that those Kings who repeatedly denied their Assent to every Act relating to *America*, because it was without the Realm and Jurisdiction of Parlia-

Parliament, could have inserted the Clause in Question, to render *Virginia, Massachusetts Bay, Maryland. &c.* subject to the Authority of Parliament ? Or that the Colonies were not by them considered as distinct States, not dependent on the Authority of the English Legislature ? And yet, if this should be granted, and if the Crown (as is evident) had a Right to constitute distinct States in *America* ; and if the Colonies, according to the Royal Intention and Construction, were so constituted, and if they were peopled and planted on this Principle and Condition, it will follow, as a necessary Consequence, that no Power on Earth could afterwards unite them to the Realm of *England*, or subject them to the Authority of its Parliament, without their own special Consent, given in the same formal and solemn Manner as was done by the Kingdom of *Scotland*, at its Union with *England* ; and that every Act of Parliament, which has hitherto bound them is an Infringement of their Rights,

The Settlement of *New-England* followed that of *Virginia*, and was occasioned by a noble Disgust of civil and religious Tyranny, the very Object for which it was solely undertaken being an Emancipation from the Authority of Parliament, and those Grievances which they suffered under the Laws of *England* ; an Object for which they had before retired to foreign Countries,

Countries, particularly *Holland* ; where they remained till Sir *Robert Naunton*, then Secretary of State, convinced his Majesty of the Impolicy of unpeopling his own Dominions, by religious Oppression, for the Benefit of his Neighbours, and obtained Leave for the *Puritans* to settle in *America*, for which they embarked in *Holland*, having previously treated with the *Virginia Company* for a Tract of Land near *Hudson's River*. But upon their Arrival in *America*, they found themselves at *Cape Cod*, where the Season of the Year obliged them to land, though it was without the Limits of the *Virginia Company's* Patent, and their future Settlement, consequently, could not be held by them from any *European Prince* or *State*. In this Situation they considered themselves as having reverted to their native Freedom ; but being desirous still to continue under the Allegiance and Protection of their former Sovereign, they executed the following Instrument, which was signed by all the Heads of Families.

“ In the Name of God, Amen ! We, whose
 “ Names are underwritten, the loyal Subjects
 “ of our dread Sovereign Lord King *James*, by
 “ the Grace of God of *Great Britain, France,*
 “ and *Ireland*, King, Defender of the Faith,
 “ &c. having undertaken, for the Glory of
 “ God and the Advancement of the *Christian*
 “ Faith, and the Honour of our King and
 “ Country,

“ Country, a Voyage to plant the first Colony
 “ in the Northern Parts of *Virginia*, do, by
 “ these Presents, solemnly and mutually, in the
 “ Presence of God and one another, covenant
 “ and combine ourselves together into a Civil Body
 “ Politick for our better ordering and Preserva-
 “ tion, and Furtherance of the Ends aforesaid, and
 “ by Virtue hereof, to enact, constitute, and frame
 “ such just and equal Laws, Ordinances, Acts, Con-
 “ stitutions, and Officers, from Time to Time, as
 “ shall be thought most meet and convenient, for the
 “ general Good of the Colony, unto which we pro-
 “ mise all due Submission and Obedience.

“ In Witness whereof we have hereunto
 “ subscribed our Names, at *Cape Cod*,
 “ Nov. the 11th, 1620.”

This was the Constitution of the Colony of
New Plymouth, the Inhabitants acquiring a
 most equitable Title to their Lands by Purchase
 and Cession from its natural Proprietors, the
Indian Tribes. King *James*, however, soon
 after their Embarkation for *America*, had es-
 tablished a Council at *Plymouth*, in the County
 of *Devon*, “ for the planting, ruling, ordering,
 “ and governing of *New-England* in *America*,”
 and granting to “ them, their Successors and
 “ Assigns, all that Part of *America* lying and
 “ being in Breadth from forty Degrees of
 “ Northerly Latitude from the *Equinoctial* Line,
 “ to the forty-eighth Degree of the said Nor-
 “ therly

“therly Latitude, inclusively ; and in Length;
 “of and within all the Breadth aforesaid, through-
 “out all the main Lands from Sea to Sea, toge-
 “ther with all the firm Lands, Soils, Grounds,
 “Havens, Ports, Rivers, Waters, Fishings,
 “Mines, Minerals, precious Stones, Quarries,
 “and all and singular other Commodities, Ju-
 “risdictions, Royalties, Privileges, Franchises,
 “and Pre-eminences, both within the said
 “Track of Land upon the Main, and also
 “within the Islands and Seas adjacent,” to be
 holden of his said Majesty, his Heirs and
 Successors, as of his Manor of *East-Greenwich*,
 in free and common Soccage, yielding and
 paying to, &c. the fifth Part of all Gold and
 Silver Ore to be obtained therein, “for and
 “in Respect of all and all Manner of Duties
 “Demands, and Services.” To this Grant
 was likewise added the sole and exclusive Power
 of Legislation, and of electing and constituting
 all Officers of Government, both Civil and
 Military, together with Authority to coin
 Money, make War and Peace with the *Indians*,
 and all other Privileges necessary for their
 distinct and independent Government : And
 the Colony of *New Plymouth* falling within this
 Grant, the Inhabitants, a few Years after,
 purchased the entire Right of the Patentees to
 that Part of the Country, with all their Rights,
 Privileges, and Immunities. “Thus the Co-
 “lony became a Kind of Republick by Patent
 “from

“ from King *James* I. whereby they were en-
 “ abled to chuse a Governor, Council, and
 “ General Court, who should have full Power
 “ of making and executing all Laws, which
 “ should be judged necessary for the Publick
 “ Good, the Sovereignty being still reserved to
 “ the Crown of *England*.”—*Neal's History of*
New-England.

The Colony of *Massachusetts* was settled for the same End, and from the same Motives, as that of *New-Plymouth*; first under the Sanction of a Patent from the Council established at *Plymouth*, and the next Year by a Charter from King *Charles* the First, bearing Date the 4th of *March*, in the Fourth Year of his Reign, whereby the Adventurers and Inhabitants were created “ one Body Politick and Corporate in Fact
 “ and Name, by the Name of the Governor
 “ and Company of the *Massachusetts Bay* in
 “ *New England*,” and invested with Powers, Liberties, and Privileges, similar to those of the Colony of *New-Plymouth*. Before this, however, King *James* had, by a Proclamation, dated the 15th of *July*, 1624, dissolved the *Virginia* Company, and received the Colony into his own immediate Dependence; which alarmed its Inhabitants, and produced a Remonstrance from them to the Throne, in which they expressed their Apprehensions of “ Designs formed against
 “ their Rights and Privileges.” To quiet these,
 E the

the Lords of Council, in a Letter, dated the 22^d of *July*, 1634, assured them from his Majesty,
 “ That all their Estates, Trade, Freedom, and
 “ Privileges, should be enjoyed by them in as
 “ extensive a Manner as they enjoyed them
 “ before the Recall of the Company's Patent ;”
 and their former Constitution and Laws were accordingly established and confirmed.

The Charter of *Maryland*, which followed that of the *Massachusetts Bay*, was granted to *Cecilius* Baron of *Baltimore*, by *Charles* the First, in the Eighth Year of his Reign, and invests the said Lord *Baltimore*, his Heirs and Assigns, with the Territory and Country of *Maryland*, and Islands adjacent, together with all their “ Commodities,
 “ Jurisdictions, Privileges, Prerogatives, Royal
 “ Rights, &c. &c. of what Kind soever, as
 “ well by Sea as by Land :” In the fullest and most ample Manner constituting and appointing the “ said Lord *Baltimore*, his Heirs and
 “ Assigns, true and absolute Lords and Proprietaries of the said Country, and of all the
 “ Premises aforesaid ; saving always the Faith
 “ and Allegiance, and Sovereign Dominion, due
 “ to *Himself*, his Heirs, and Successors, to be
 “ holden of the Kings of *England* as of their
 “ Castle of *Windsor*, in free and common Soc-
 “ cage, by Fealty only, and not in Capite, or by
 “ Knights Service, yielding and paying, there-
 “ fore, to the said King, his Heirs, and Successors,
 “ fors,

' fers, two *Indian* Arrows of those Parts, to be
 ' delivered at his said Castle of *Windsor*, every
 ' Year, the second *Tuesday* in *Easter* Week ; and
 ' also the fifth Part of all Gold or Silver Ore
 ' within the Limits aforesaid, which shall from
 ' Time to Time happen to be found. Grant-
 ' ing also for himself, his Heirs and Succes-
 ' sors, full and absolute Power to the said Lord
 ' *Baltimore*, his Heirs, &c. for the good and
 ' happy Government of the said Country, to
 ' ordain, make, enact, and, under his or their
 ' Seals, to publish any Laws *whatsoever*, apper-
 ' taining either to the publick State of the said
 ' Province, or to the private Utility of parti-
 ' cular Persons, according to their best Discre-
 ' tion, by and with the Advice, Assent, and
 ' Approbation of the Freemen of the said Pro-
 ' vince, or the greater Part of them, or of
 ' their Delegates or Deputies, whom, for the
 ' enacting of the said Laws, when and as often
 ' as need shall require, we will, that the said
 ' now Lord *Baltimore*, and his Heirs, shall
 ' assemble, in such Sort and Form, as to him
 ' and them shall seem best ; and the said Laws
 ' duly to execute upon all People within the
 ' said Province or Limits thereof, for the time
 ' being, or that shall be constituted under the
 ' Government and Power of him or them, ei-
 ' ther sailing towards *Maryland*, or return-
 ' ing from thence towards *England*, or any
 ' other of our Dominions, by Imposition
 ' of

of Penalties, Imprisonment, or other Punish-
 ment ; yea, if it shall be needful, and that
 the Quality of the Offence require it, by
 taking away Members, or Life, either by him
 the said now Lord *Baltimore*, and his Heirs,
 or by his or their Deputies, Lieutenants,
 Judges, Justices, Magistrates, Officers, and
 Ministers, to be ordained and appointed ac-
 cording to the Tenor and true Intention of
 these Presents : And likewise to appoint and
 establish any Judges, Justices, Magistrates,
 and Offices whatsoever, at *Sea* and *Land*, for
 what Cause soever, and with what Power
 soever, and in such Form, as to the said
 now Lord *Baltimore*, or his Heirs, shall
 seem most convenient : Also to remit, release,
 pardon, and abolish, whether before Judg-
 ment or after, all Crimes and Offences what-
 soever against the said Laws, and to do all and
 every other *Thing or Things which unto the*
complete Establishment of Justice unto Courts,
Prætories, and Tribunals, Forms of Judicature,
and Manners of Proceedings do belong, although
 in these Presents express Mention be not made
 thereof ; and by Judges by them delegated,
 to award Process, hold Pleas, and determine
 in all the said Courts and Tribunals, all
 Actions, Suits, and Causes whatsoever, as
 well criminal as civil, personal, real, mixed
 and pretorial ; which Laws, so as aforesaid,
 to be punished, our Pleasure is, and so we
 enjoin,

' enjoin, require, and command, shall be most
 ' absolute and available in Law, and that all
 ' the leige People and Subjects of us, our
 ' Heirs and Successors, do observe and keep
 ' the same inviolably in those Parts, so far as
 ' they concern them, under the Pains therein
 ' expressed, or to be expressed ; provided ne-
 ' vertheless, that the said Laws be consonant
 ' to Reason, and be not repugnant, or contrary,
 ' but as near as conveniently may be, agreeable
 ' to the Laws, Statutes, and Rights of this our
 ' Kingdom of *England*.' (A Limitation very
 expedient, for the Reasons which I have before
 recited) Granting also to the said Lord *Bal-*
timore, &c. full Power and Authority to ' build
 ' and fortify Castles, and other Places of
 ' Strength, for the publick and their own
 ' private Defence ;' ordaining, that the said
 Country should be of his Allegiance, and its
 Inhabitants, Denizens and Lieges of the said
 King, &c. of their Kingdoms of *England* and
Ireland ; and empowering ' the said Lord *Bal-*
timore, his Heirs, &c. or their Captains, or
 ' other Officers, to levy, muster, and train,
 ' all Sorts of Men, of what Condition, or
 ' wheresoever born; within the said Province,
 ' and to make War, and pursue their Enemies,
 ' as well by Sea as by Land, even without the
 ' Limits of the said Province, and to vanquish
 ' and take them, and to put them to Death by
 ' the Law of War, or save them, at their Plea-
 ' sure,

‘ fure,’ and to exercife the Law Martial upon
 all offending Persons, and ‘ to confer Favours,
 ‘ Rewards, and Honours, upon fuch of the
 ‘ Inhabitants within the faid Province as fhall
 ‘ deserve the fame ; and inveft them with
 ‘ what Titles and Dignities foever he or they
 ‘ fhall think fit ;—and ‘ to erect and incor-
 ‘ porate Boroughs and Cities with convenient
 ‘ Privileges and Immunities.’ Authorizing the
 faid Lord Proprietor, his Heirs, &c. ‘ to make
 ‘ and conftitute, within the faid Province, and
 ‘ the Ifles and Iflets aforefaid, fuch and fo
 ‘ many Sea Ports, Harbours, &c. with fuch
 ‘ Rights, Jurifdictions, Liberties, and Privi-
 ‘ leges, as to him or them fhall feem moft ex-
 ‘ pedient.” Granting for himfelf, his Heirs
 and Succeffors, ‘ unto the faid Lord *Baltimore*,
 ‘ his Heirs and Affigns, that he the faid Lord
 ‘ *Baltimore*, &c. may, from Time to Time, for
 ‘ ever, have and enjoy the Customs and Sub-
 ‘ fides within the faid Ports, Harbours, &c.
 ‘ within the Province aforefaid, payable or
 ‘ due for Merchandizes and Wares, there to
 ‘ be laden and unladen ; the faid Subfides and
 ‘ Customs to be reasonably affeffed, (upon any
 ‘ Occafion,) by themfelves and the People
 ‘ there as aforefaid, to whom we give Power
 ‘ by thefe Presents, for us, our Heirs and
 ‘ Succeffors, upon juft Caufe, and in due Pro-
 ‘ portion, to affeff and impofe the fame.’

To

To this is added the following Covenant between the King and Inhabitants of the said Province, by which they are formally and positively exempted from every Species of Foreign Taxation : *viz.*

‘ And further our Pleasure is, and by these
 ‘ Presents, for us, our Heirs and Successors,
 ‘ we do covenant and grant to and with the
 ‘ said now Lord *Baltimore*, and his Heirs and
 ‘ Assigns, that we, our Heirs and Successors,
 ‘ shall at no Time hereafter set or make, or
 ‘ cause to be set or made, any Imposition,
 ‘ Custom, or other Taxation, Rate, or Con-
 ‘ tribution whatsoever, in and upon the Dwel-
 ‘ lers and Inhabitants of the aforesaid Province,
 ‘ for their Lands, Tenements, Goods, or
 ‘ Chattels, within the said Province, or to be
 ‘ laden or unladen within the Ports or Har-
 ‘ bours of the said Province. And our Will
 ‘ and Pleasure is, and for us, our Heirs and
 ‘ Successors, we charge and command, that
 ‘ this our Declaration, shall henceforward, from
 ‘ Time to Time, be received and allowed be-
 ‘ fore all our Courts, and before all the Judges
 ‘ of us, our Heirs and Successors, for a suf-
 ‘ ficient and lawful Discharge, Payment, and
 ‘ Acquittance ; commanding all and singular
 ‘ our Officers, and Ministers of us, our Heirs
 ‘ and Successors, and enjoining them, upon
 ‘ Pain of our high Displeasure, that they do
 ‘ not presume, at any Time, to attempt any
 ‘ Thin

‘ Thing to the contrary of the Premises, or
 ‘ that they do in any Sort withstand the same ;
 ‘ but that they be, at all Times, aiding and
 ‘ assisting, as fitting, unto the said now Lord
 ‘ *Baltimore*, and his Heirs, and to the Inhabi-
 ‘ tants and Merchants of *Maryland* aforesaid,
 ‘ their Ministers, Servants, Factors, and Assigns,
 ‘ in the full Use and Fruition of the Benefit of
 ‘ this our Charter.’

Whoever considers these, and various other
 Privileges, too numerous to recite, which have
 been granted to the Province of *Maryland* in this
 Charter, by which the King divests himself,
 his Heirs, &c. of all Share in the Legislative
 and Executive Authorities of Government
 within the said Province, and formally exempts
 its Inhabitants from foreign Taxation, alienating
 to the Lord Proprietor, &c. all Customs, Du-
 ties, Subsidies, &c. collected in any of its Ports
 or Harbours, with all the Prerogatives and
 Privileges necessary to a distinct and sovereign
 State, will easily perceive, that their Exercise
 and enjoyment must have been incompatible
 with a Subjection to Parliamentary Authority ;
 that in Reality, the Constitution of *Maryland*
 was not capable of, or intended for, any such
 Subjection, and that no Provision for any Spe-
 cies of Legislative Dependence, in that, or any
 former Colony, to this Kingdom, was made ; as
 I have already sufficiently proved, that the
 Clauses

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destitute

destitute of Use, Sense, or Meaning, and consequently never would have been inserted ; neither could the Inhabitants of *Massachusetts Bay*, *New Plymouth*, &c. after their Charters were vacated by a Judgment in the Court of Chancery, in the 39th Year of *Charles* the Second, if they had been considered as *English* Subjects, have been taxed by Sir *Edmund Andros*, the King's Governor, and a Council of three or four Persons appointed by the King, without the Consent of any Assembly or Parliament of the People, which was evidently repugnant to the Great Charter of King *John*, in which the King engages, "not to impose any Taxes without summoning the Archbishops, the Abbots, the Earls, the greater Barons, and the Tenants in Capite." And if the *English* Parliament was then the Legislative Power of the Colonies, and their Constitutional Representative, as our Author asserts, its Interposition in Behalf of the injured Inhabitants of those Colonies was a Duty necessarily incumbent on them, as the Guardians and Protectors of the Rights of *English* Subjects, though it never was discharged towards those Colonies, nor did they, notwithstanding their frequent Remonstrances, ever obtain any Relief, until they procured it for themselves, by imprisoning the King's Governor, and restoring their original Form of Government, a Measure which afterwards received King *William's* Approbation. To
 this

this let me add, that when King *William* afterwards applied to the Judges, to know whether he might lawfully appoint a Governor for the Colony of *Massachusetts Bay*, (its Charter being then vacated) they declared, that without entering into the Merits of those Complaints on which the Charter had been cancelled, it having been vacated by a Judgment in Chancery, “ the King might, by his Prerogative, “ put the Inhabitants of that Colony under “ whatever Form of Government he pleased.” Which clearly proves, that the Judges did not then think those Colonists to be *English* Subjects, because the King, in that Case, could not, by his Prerogative, “ put them under whatever “ Form of Government he pleased.” By *English* Subjects, at present, I mean no more, than Persons obliged to obey Acts of an *English* Parliament ; because that Obligation is necessarily connected with a Right to the Enjoyment of all the Privileges of *Englishmen*.

But to return from this Digression. We have now examined the most important of all the *American* Charters granted before the Restoration, and indeed all of them that merit Attention, and these abundantly prove, that the Colonies were not then considered as annexed to the Realm of *England*, or subject to its Laws. In what State then shall we consider them ?

I have

I have already proved, that whatever Right *Elizabeth, James, and Charles* had to the Lands they granted in *America*, it was vested solely in themselves, either personally, or as Sovereigns of this Realm. The latter Conclusion appears most favourable to our Author's Purpose, at least he has argued strongly in its Support; and as I am not disposed to maintain an unnecessary Dispute, I will assent to it; as I well know he can infer no other Consequence therefrom, than that the Territory of *America* being the Property of the Crown, until it is alienated therefrom, must attend the Succession of the Crown, as an Appendage thereto; and this, if it be necessary, will serve to explain the Reason why the Colonies, being without the Realm, have yet invariably continued within the Allegiance of the *English* Crown, notwithstanding its different Revolutions: An Explanation that will sufficiently expose the Impropriety of our Author's Question, Page 137. where he asks the Colonies, "What King it is they profess themselves the
 " loyal Subjects of?" Adding, "It cannot be
 " his present most gracious Majesty, *George* the
 " Third, King of *Great Britain*, for his Title
 " is founded on an Act of Parliament; and
 " they will not surely acknowledge that Parlia-
 " ment can give them a King, which is of all
 " others the highest Act of Sovereignty, when
 " they deny it to have the Power to tax or
 " bind them in any other Case, although they
 " must

“ must see, that if they reject Parliamentary
 “ Authority, they make themselves to be still
 “ the Subjects of the abjured *Stuart* Race.”

Had our Author been acquainted with the History of the Colonies, he would have known, that they have ever recognized and proclaimed the rightful Kings of *England*: That in *Virginia* *Charles* the Second was proclaimed King of *England*, *Scotland*, *France*, *Ireland*, and VIRGINIA, (that Colony then considering itself a distinct State,) long before his Restoration; and that he actually reigned in that Colony a considerable Time before he was King in *England*; and that in the *Massachusetts Bay* the Prince and Princess of *Orange* were Proclaimed, before it was known that they were invested with Sovereignty in *England*. But the Allegiance of the Colonies to the Succession of the *English* Crown, whether that is governed by lineal Descent or Acts of Parliament, is especially provided for by Clauses for that Purpose in their Charters as *James* and *Charles*, though they did not consider the Colonies as annexed to the Realm, intended, nevertheless to connect them to it, by securing their Subjection to the same Sovereign.

Let me now return to the Title of *Elizabeth*, *James*, and *Charles*, to the Lands in *America*, which, whether more or less valid, was, as I have already declared, vested in themselves only,
 either

either personally or as Possessors of the *English* Crown, and that when they granted the Territory of *Virginia, New England, Maryland, &c.* they were constitutionally authorized to dispose of it either to Foreigners or Subjects, in any Manner whatsoever; it being an unquestionable Truth, that the Kings of *England* may constitutionally alienate for ever from the Crown and Realm, without Consent of Parliament, any Acquisition of Foreign Territory, whether by Cession, Conquest, or Discovery, not being already with the Royal Assent formally annexed to the Realm. This is a Proposition so universally acknowledged, that not one of the many Proofs that may be alledged in its Support is necessary; and I am sure that our Author, however he might endeavour to evade the Question, will never deny the Validity of the several Grants of Territory from the Crown to the Colonies; how then will he be able to defend his unwarrantable Conclusions, (Pages 75 and 76.) to prove that the Lands in *America* were originally within the Realm and Jurisdiction of Parliament? Can any thing, which is at the sole and absolute Disposal of the King, be the Property of the Nation, and under the Controul of its Parliament? Inconsistent Absurdity! Nor is our Author's long Quotation from Mr. *Locke* (Pages 76 and 77.) at all pertinent to the Subject.—It indeed argues, that he who receives an Inheritance in “ a Commonwealth,
“ must

“ must take it with the Condition it is under,
 “ that is, of submitting to the Government of
 “ the Commonwealth, under whose Jurisdiction
 “ it is, as far forth as any Subject of it.”
 But has this Assertion of Mr. *Locke* the least
 Tendency to prove, that those who received the
 Lands in *America* should submit to the Go-
 vernment of a Commonwealth, or Kingdom,
 to which these Lands were never annexed?
 Impossible !

Thus, then, the Validity of the several
 Grants of Territory from the Crown to the Co-
 lonies is indisputable : The King's Right of
 emancipating their Inhabitants from the Juris-
 diction of Parliament, and of erecting them
 into distinct States, remains next to be consider-
 ed ; and this our Author, among other Oppo-
 nents to the Colonies, has denied, and endeavour-
 ed to support his Denial by the most fallacious,
 and sometimes impertinent Arguments ; such are
 those from Page 70 to 78.—“ That the first In-
 “ habitants of the Colonies were part of the *Bri-*
 “ *tish* Community, and bound to obey its Legif-
 “ lative Power, in all Respects, as any other Sub-
 “ jects, at the Time of the Establishments of
 “ these Colonies,” I will not deny ; but he cer-
 tainly proposes a very unnecessary and impro-
 per Question, in asking whether “ the Execu-
 “ tive Power of the Crown can, by any Grant
 “ or Authority, alter or annul the Legislative
 “ Power

“ Power in the Article of Taxation, or any
 “ other ?” Nor is Mr. *Locke*’s Assertion, that
 “ even the Legislative Power itself cannot
 “ transfer the Power of making Laws to any
 “ other Hands ; for it being but a delegated
 “ Power from the People, they who have it can-
 “ not pass it over to others,” at all applicable
 to the present Subject. Mr. *Locke* therein justly
 observes, that the Parliament cannot transfer to
 others its Authority of making Laws over those
 by whom this Authority has been delegated to
 itself ; but no where even insinuates, that the
 Parliament, after having constantly recognized
 and assented to the King’s Prerogative Right of
 permitting his Subjects to withdraw themselves
 from the Realm, and the Jurisdiction of its
 Laws, cannot permit them to enter into a se-
 cond Community, and throw off their Sub-
 jection to the first. On the contrary, Mr. *Locke*
 repeatedly declares, that a Man, by being born in
 a State, is thereby under no Obligation to continue
 therein ; that all Men, being by Nature free,
 have a Right “ to choose what Society they
 “ will join themselves to, and what Com-
 “ monwealth they will put themselves under.”
 This being the Case, and the first Inhabitants
 of our Colonies having a just Right to separate
 themselves, and the King a Constitutional Right
 to permit them to separate themselves, from
 the Community, and having granted them an
 Accession of foreign Territory, which he had a
 legal

legal right to alienate for ever from the Crown and Realm, even to Foreigners, what Law or Principle in the *English* Constitution, forbids their retiring to the Territories so granted in *America*, and there, by the Consent of their Sovereign, becoming distinct States, on the Terms and Privileges stipulated between their King and themselves? Whoever places the Settlement of the Colonies in this just Point of View, will immediately discover the Fallacy of all those Arguments which have been objected to the Power of the Crown, in granting their Inhabitants an Emancipation from the Authority of Parliament.—As long as they continued within the Realm as a collective Part of its Inhabitants, and received Protection from its Laws and Government, no Power whatever could possibly exempt them from Obedience to its Legislative Authority: But this Obligation to Obedience necessarily depended on the Term of their Continuance within the Community, and naturally ceased on their Separation from it; and though the King's Prerogative extends, indiscriminately, to all States owing him Allegiance, yet the Legislative Power of each State, if the People have any Share therein, is necessarily confined within the State itself, it being repugnant to the Laws of Nature and Nations for the Subjects of one State to exercise Jurisdiction over those of another: The People being allowed to participate the Legislative Au-

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thority,

authority, thereby to preserve their own Freedom,
 not invade that of others. This our Author
 admits, when he acknowledges, that “ it may
 “ be pretended that the Lands in *America*, ly-
 “ ing without the Realm, and appertaining to
 “ the King only, their Possessors cannot, from
 “ those Circumstances, be subject to the Juris-
 “ diction of Parliament, *whose Authority is con-*
 “ *finied within the Limits of the Realm.*” He
 indeed presumes, that this Plea “ cannot be
 “ made by the Inhabitants of such Lands as
 “ were conquered by the Forces of the *British*
 “ State from foreign Powers, or ceded to *Great*
 “ *Britain* by Treaty : Those Conquests or Ces-
 “ sions (says he) are surely the Dominions of
 “ the Crown of *Great Britain*, not the private
 “ Property of the King.” But in this he is
 likewise mistaken, nor did Mr. *Dickenson* mean
 to “ put these intirely out of the Question, in
 “ all that he says about the Rights of the Co-
 “ lonies.” And whatever Opinion our Author
 may entertain of this Subject, it is an indisputa-
 ble Fact that no Territory, acquired either
 by Conquest or Cession, is thereby rendered a
 Part of the Realm, but remains at the absolute
 Disposal of the King, till by the Royal Assent
 it is formally annexed to the Kingdom ; and of
 this the late Act of Parliament for rendering
Gibraltar unalienable from *Great Britain*, by
 the Crown, is a sufficient Proof ; and our Au-
 thor, I am very sure, will not pretend that the
 Nation

Nation could, by Discovery, acquire a better Title to the Country in *America*, than by Cession or Conquest. He, however, endeavours to prove, that the Territory possessed by the Colonists in *America*, was originally the Property not of the King, personally, but of the Crown of *England*, and from thence infers, that they must necessarily be a Part of the Realm : This, however, is a very unwarrantable Inference, as the holding a Country under the *English* Crown, by no Means renders it a Part of the Kingdom ; to prove this, I need only instance the *Isle of Man*, which was granted to Sir *John Stanly*, and his Heirs, by *Henry* the Fourth, and has been held as a Dependence from the Crown, by a *Tenure* similar to that of the Colonies, (in every Respect material to the present Question,) though it never was considered as Part of the Realm, or subjected to its Laws, until the late Change made in its Constitution, by *Consent of its King*.

Thus have I abundantly demonstrated the Right of the Crown to grant the Colonists the Constitution and Privileges of distinct States ; and whether this Constitution and these Privileges have been granted them, let the Facts, which I already have, and shall hereafter recite, declare. But before I proceed farther in the political History of the Colonies, it is proper for me to consider some Facts and Arguments, which

which have been alledged by our Author, to prove that they were not originally deemed distinct States by the King and Nation.

The Debates of the House of Commons, of *May 1614, February 1620, and April 1621*, related only to the Expediency of encouraging or discouraging the Importation and Use of Tobacco in *England*, and tended in no respect to extend the Authority of Parliament to *America*; and the Fishing Bill, brought into the House the 25th of *April, 1621*, was only an Attempt in the Commons to secure to the Subjects of this Kingdom the Privilege of Fishing on the Coasts of *America*, which the King deemed an Infringement of the Privileges he had before granted the Colonies; for which Reason, joined to the Consideration of their being without the Realm, and Jurisdiction of its Parliament, he refused the Royal Assent thereto, as did his Successor for the same Reasons. And whoever will peruse the various Debates on this Subject, will discover, that the principal Arguments were confined to the Expediency, rather than the Right, of granting free Liberty of Fishing in *America* to the King's *English* Subjects, with the necessary Incidents of drying Fish, and using Wood, which (as was asserted) would be of no Detriment to the Colonies, because of no Value there, declaring it a Hardship on the *English* to be prohibited Fishing

Fishing in *America*, while the *French* and *Dutch* were allowed to do it; observing, that the *English* formerly enjoyed that Liberty, but that the Colonists then obliged them “ to compound
 “ for Places, or took away their Salt, or ex-
 “ acted great Sums, and even fired Ordnance
 “ at them.” To these Assertions, however, it was objected, that the Fishermen injured the Colonies, and that they were not Objects of Parliamentary Legislation. The Secretary of State in particular declared, that though he never would strain the Prerogative against the Good of the Commonwealth, yet that it was
 “ not fit to make any Laws here for those
 “ Countries, they not being annexed to the
 “ *Crown* ;” (and if this was then the Case, I believe it will be difficult for our Author to prove them the Domains of the Crown, much less the Dominions of the Nation.) In answer to these Objections, against the *Right of Parliament*, nothing material was urged by the Advocates for the Bill : Mr. *Brooke*, indeed, very sagaciously alledged, that “ if the King gave his Assent to
 “ the Bill, it would controul the Patent ;” but he did not pretend, or even seem to think, that the King’s Act in that particular would acquire any additional Force from the Authority of the Lords and Commons. Sir *Edward Cooke* also represented the Clause in Sir *Francis Gorges’s American Patent*, declaring, “ That no Subject
 “ of *England* should visit the Coast upon Forfeiture
 “ there

“ ture of Ship and Goods,” as a Grievance, because, says he, “ this is to make a Monopoly “ of the Sea, which is wont to be free,” and that the exclusive Grant of Liberty to pack and dry Fish on that Coast, was likewise attempting a Monopoly of “ the Wind and Sun.” But the Man, who from these Debates will discover Proofs in Support of the Right of Parliament to legislate for the Colonies, must certainly discover what has no Existence.

As to the Act of the Commonwealth Parliament, which our Author has alledged against the Colonies, I shall only observe, that it is by no Means strange that an Assembly, which had usurped the Right of the King and Lords, should also infringe the Rights of the People of *Virginia* and the *West Indies*, who had denied, and at the same time actually resisted, its Authority : But when that Assembly declared, that these Colonies had, “ ever since the Planting “ thereof, been, and ought to be, subject to “ such Laws, Orders, and Regulations as are “ or shall be made by the Parliament of *Eng-* “ *land* ;” and it is known that at that time no Laws ever had been made by the Parliament of *England* for the Colonies, this Declaration will doubtless appear somewhat ludicrous.— But the Degree of Dependance, which this Parliament thought it had a Right to exact from these Colonies, will best appear, by the Treaty concluded

concluded between *Virginia* and the Commissioners of Parliament, who were sent with an Armament to reduce it to Obedience to the Commonwealth.—The Articles of this Treaty were as follow :

First, “ The Plantation of *Virginia*, and all
 “ the Inhabitants thereof, shall be and remain
 “ in due Subjection to the Commonwealth
 “ of *England*; not as a conquered Country,
 “ but as a Country submitting by their own voluntary Act ; and shall enjoy such Freedoms
 “ and Privileges as belong to the free People of
 “ *England*.

Second, “ The General Assembly, as formerly,
 “ shall convene and transact the Affairs of
 “ the Colony.

Third, “ The People of *Virginia* shall have
 “ a free Trade, as the People of *England*, to
 “ all Places and all Nations.

Fourth, “ *Virginia* shall be free from all
 “ Taxes, Customs, and Impositions whatsoever;
 “ and none shall be imposed upon them without
 “ Consent of their General Assembly ; and that
 “ neither Forts nor Castles be erected, nor Garrisons maintained without their Consent.”

These Conditions will likewise serve to convey a just Idea of the Rights and Privileges

to which the Inhabitants of *Virginia* then thought themselves intitled : And though the Dependance imposed on them by these Articles was little more than nominal, they were so far from thinking these Privileges any considerable Acquisition, that in *January* 1659, they restored Sir *William Berkley*, proclaiming “ *Charles* the “ Second, King of *England, Scotland, France,* “ *Ireland,* and *VIRGINIA,*” some Time before his Restoration to *England*.

These are the most important Occurrences in the Political History of the Colonies preceding the 12th Year of the Reign of *Charles* the Second, an Æra which produced the first Act of Parliament of any Kind, that ever was extended to *America*, since the Settlement of *British* Colonies in that Quarter of the Globe. This Act was, indeed, passed for the wisest and best of Purposes, that of increasing the *English* Trade and Navigation, by prohibiting the Importation into, and Exportation of, all Goods and Commodities out of “ any Lands, “ Islands, Plantations or Territories to his Majesty belonging, or in his Possession, or which “ may hereafter belong unto, or be in Possession of, his Majesty, his Heirs and Successors, in *Asia, Africa,* and *America,* except in “ Ships belonging to the People of *England* or “ *Ireland,* or the said Lands, Islands, and Plantations,” and navigated by the Inhabitants
of

of these several Places. It is however to be lamented, that the then Parliament had not thought proper to discover, for the Information of Posterity, the Source from whence it derived the Right of making Laws, not only for all Countries under his Majesty's Dominion in *Asia*, *Africa*, and *America*, but for all Countries which hereafter may belong to, or be in the Possession of "his Heirs and Successors," as it must doubtless have been new and hitherto undiscovered; since, however extensive the King's Prerogative may be over his foreign Subjects, the *English* Constitution has made no Provision for this Species of National, External Legislation, the Power of Parliament being originally confined to the Limits of the Realm, and the Nation collectively, of which it was the Representing and Legislative Assembly. How far the Parliament, of which I am now speaking, departed from the primitive Spirit of our Constitution, let others judge:—But certain it is, that future Kings of *Great-Britain* may acquire Territories which Parliamentary Authority ought not to controul; and yet this Act will necessarily bind them, if situated either in *Asia*, *Africa*, or *America*, as it now would *Hanover*, had not the Word *Europe* been omitted in the Act as unnecessary, from the apparent Improbability of the King's making any future Acquisitions of *European* Territory, which might not be comprehended within the Kingdoms of

H England

England or Ireland. But how the Parliament, at that Time, acquired a Right of Legislating for the Colonies in *America*, is to me inconceivable.—*Virginia, Massachusetts Bay, New Plymouth, Maryland, Connecticut, New Haven, New Hampshire*, and the Province of *Main*, were then the only Colonies held under the *English* Crown on the Continent of *America*; and in all these the People enjoyed the sole Legislative and Executive Powers of Government, (*Virginia* excepted,) they having all been settled on the Faith of Charters, granted either by *James* or *Charles* the First, who, according to their own Construction, had constituted them distinct States, and such they had been reputed till the 12th of *Charles* the Second: How then could the Parliament of *England*, after the Colonies had been thus constitutionally alienated from the Realm, and settled on the Faith of those fundamental and indefeasible Stipulations by which they were so alienated, make Laws for their Government, consistent with the Principles of Justice? Were the Colonies previously united to the Kingdom? Or could any Authority whatever unite them to it, without their formal and express Consent? The Answers to these Questions are obvious, and will sufficiently demonstrate, that though a Right of Legislating for the Colonies was then assumed by Parliament, it would have been difficult to support the Assumption by Law or Equity.

The

The Rectitude and Utility of a Measure tending to encrease the *English* Shipping and Navigation, was doubtless obvious ; and as some of the King's Settlements in *Africa*, &c. were mere Factories without Legislative Power, and as in others it might have been tedious, and perhaps impracticable, to obtain the Consent of their several Assemblies to this Law, the Legislature of this Kingdom was, perhaps, from these Considerations, encouraged to exercise a Power, (in that particular Instance,) evidently tending to the general Good ; or, at least, if these were not the Motives to this Law, perhaps they were not less exceptionable.

Two Years afterwards, that is, in the 14th Year of *Charles* the Second, the Colonies of *Connecticut*, and *New Haven*, petitioned his Majesty to unite them into one Colony, by a new Charter. The King was by that Time, become jealous of his Prerogative in the Colonies ; but by the wise Interposition of the Earl of *Clarendon*, then Lord Chancellor, his Majesty granted the Charter, with Privileges in Effect as extensive as any that had ever been granted to any Colony ; securing to himself their Allegiance only, without the smallest Share in the Legislative and Executive Powers of Government ; and the next Year *Rhode-Island* and *Providence* Plantations obtained from the King a Charter, with Privileges in every Respect
similar

similar to those granted the Colony of *Connecticut*.

I have not hitherto interrupted the Course of my Observations, to remark on our Author's very fallacious, partial, and unfair Extracts from the Charters of the several Colonies, which must be obvious to any one, who will compare them with their Originals, or even with those Passages which I have faithfully recited from them. How he will reconcile an Attempt to impose on his Readers, by such Artifices, with the Principles of common Honesty, is best known to himself ; certain I am, however, that his Purpose ought to be much better than it appears, to justify the use of such low and ungenerous Means for its Execution.

Our Author's erroneous Account of the *Connecticut* and *Rhode-Island* Charters, (without recurring to those of *Virginia*, *Maryland*, &c.) will furnish a sufficient Instance of that Fallacy which I have just censured, and at the same Time afford the Reader a just Idea of that Degree of Credit which ought to be reposed in his Assertions, as well as of the "*Honesty of his Purpose*," in reviewing the *American* Controversy. "The Charters, (says he,) dated in the 14th Year of *Charles* the Second, which were granted to the Inhabitants of *Connecticut*, and *Rhode-Island*, are simply Charters of Incorporation,

“ corporation, erecting the respective Inhabit-
 “ ants in those Places into a Corporate Body,
 “ and empowering them to do Corporate Acts,
 “ in like Manner as other Corporations in
 “ *England* are empowered to do :” And in
 Support of this very erroneous Assertion, he
 recites a single Clause extracted from those
 Charters, and then sagaciously adds, “ The
 “ Man who thinks the Terms of this Clause of
 “ the *Connecticut* and *Rhode Island* Charters,
 “ descriptive of, or applicable to, a Sovereign
 “ State, or Supreme Legislature, deserves not
 “ that any sober Argument should be held with
 “ him.”

But whatever Degree of Truth there may be
 in this Conclusion, I will venture to affirm,
 that if he had recited those Clauses in these
 Charters which are most pertinent to the *Con-*
troversy, there is no Man deserving a sober
 Argument who would have compared the Co-
 lonies of *Connecticut* and *Rhode Island*, to sim-
 ple *English* Corporations. That I may not un-
 necessarily extend these Observations, I shall
 offer the Reader an Account of the Constitution
 of these Colonies, as presented to the House of
 Lords in *January* 1734, rather than transcribe
 the different Clauses of the Charters themselves,
 which would require a greater Extent.

“ *Connecticut* and *Rhode Island* (say the Commis-
 “ sioners,) are Charter Governments, where al-
 “ most

“ most the whole Power of the Crown is dele-
 “ gated to the People, who make an Annual
 “ Election of their Assembly, their Councils, and
 “ their Governors, likewise to the Majority of
 “ which Assemblies, Councils, and Governors
 “ respectively, being Collective Bodies, the
 “ Power of making Laws is granted ; and as
 “ their Charters are worded, they can and do
 “ make Laws even without the Governor’s
 “ Assent, no negative Voice being reserved
 “ to them as Governors in said Charters.—
 “ These Colonies have the Power of making
 “ Laws for their better Government and Sup-
 “ port, and are not under any Obligation, by
 “ their respective Constitutions, to return
 “ authentic Copies of their Laws to the
 “ Crown for Approbation and Disallow-
 “ ance, or to give any Account of their
 “ Proceedings ; nor are their Laws repealable
 “ by the Crown, but the Validity of them de-
 “ pends on their not being contrary, but, as
 “ near as may be, agreeable to the Laws of
 “ England.”

To this Account of the Constitution of
 these Colonies, many other important Privi-
 leges might have been added by the Commis-
 sioners of Trade and Plantations, (whose Im-
 partiality, I presume, no Person will suspect :)
 These, however, are not necessary, as the smallest
 Knowledge of the present State of *Connecticut*
 and *Rhode Island*, will abundantly demonstrate,
 that

that their internal Constitution is perfectly distinct and independent ; all the Authority of their Governments being vested in the People, or the Officers elected by them, no Civil or Military Officer, in these Colonies, having the smallest Dependence on the Crown ; not even their Troops are subject to the King's Authority, as they have repeatedly refused Obedience to his Generals, particularly when King *William* appointed *Benjamin Fletcher*, Esq; Governor of *New-York*, to command them ; a Refusal which their Charters amply justified.

As to our Author's Remarks, that the King, in the Charters of *Connecticut* and *Rhode Island*,
 “ expressly admits that these Colonies were then
 “ within the Realm of *England*, or annexed to
 “ it, by using these Words, *As other our liege*
 “ *People of this our Realm of England, or any*
 “ *other Corporation within the same,*” I shall observe, that the indeterminate Application of the Word *other*, in this Particular, might have furnished some Pretext for this Remark, could it be supposed that he was ignorant of several other Clauses in these Charters, which entirely preclude the Sense he has attempted to impose thereon. In each of these Charters, the King expressly covenants, that “ All and every
 “ the Subjects of us, our Heirs, &c. who shall go
 “ to inhabit within the said Colony, and every
 “ of their Children, which shall happen to be
 “ born there, &c. shall have and enjoy all
 “ the

" the Liberties and Immunities of free and
 " natural Subjects, within any of the Domi-
 " nions of us, our Heirs, and Successors, to
 " all Intents, Constructions, and Purposes what-
 " soever, as if they and every of them were born
 " within the Realm of *England*." And in the
 Preamble to the Charter of *Rhode-Island*, the
 King expresses, that its Inhabitants " did, by
 " the Consent of our Royal Progenitors, trans-
 " port themselves out of this Kingdom of *En-
 " gland* into *America*." But numerous Clauses
 to this Effect, are found in the Charters of all the
 Colonies, and in every Publick Act relating to
 them ; and even without these, which are per-
 fectly incompatible with the Sense of our Au-
 thor's Remark, there are too many Instances
 of the vague, and even improper Use of the
 Word *other*, in the *American* Charters, to warrant
 the Conclusion he has drawn, from its Applica-
 tion to the present Instance. Thus in the
 third *Virginia* Charter, Art. XI. is the follow-
 ing Expression, " All such, and so many of
 " our loving Subjects, or any *other* Strangers,
 " that will," &c. from which, however, no
 Person will infer, that the King's loving Sub-
 jects are Strangers, though this Conclusion
 would be as justifiable, as that contained in our
 Author's Remark. To this let me add the
 following Extract from the *Connecticut* and
Rhode Island Charters, (for in both it is exactly
 the same,) which abundantly proves that the
 King

King then not only deemed these Colonies without the Realm, but was sensible, that he had retained but little more than a nominal Sovereignty over them, and that he could no otherwise punish any Crimes or Misdemeanors committed by them, than by withdrawing his Protection from them, or putting them out of his Allegiance.—“ We do hereby declare to
 “ all *Christian* Kings, Princes, and States, that
 “ if any Persons, which shall hereafter be of
 “ the said Company, or Plantation, or any
 “ other, by Appointment of the said Governor
 “ and Company, for the Time being, shall at
 “ any Time or Times hereafter, rob or spoil,
 “ by Sea or by Land, or do any Hurt, Violence,
 “ or unlawful Hostility, to any of
 “ the Subjects of us, our Heirs, or Successors,
 “ or any of the Subjects of any Prince or State,
 “ being then in League with us, our Heirs, or
 “ Successors, upon Complaint of such Injury
 “ done to any such Prince or State, or their
 “ Subjects, we, our Heirs, or Successors, will
 “ make open Proclamation within any Parts of
 “ this our Realm of *England*, fit for that Purpose,
 “ that the Person or Persons committing
 “ any such Robbery or Spoil, shall, within the
 “ Time limited by such Proclamation, make
 “ full Restitution, or Satisfaction, for all Injuries
 “ done or committed, so as the said Prince, or
 “ others, so complaining, may be fully satisfied
 “ and contented; and if the said Person or
 “ Persons;

“ Persons, who shall commit any such Robbery
 “ or Spoil, shall not make Satisfaction accord-
 “ ingly, within such Time so to be limited ; that
 “ then it shall and may be lawful for us, our
 “ Heirs, and Successors, to put such Person or
 “ Persons out of our Allegiance and Protection ;
 “ and that it shall and may be lawful and free
 “ for all Princes and others, to prosecute with
 “ Hostilities, such Offenders and every of them,
 “ their and every of their Procurers, Aiders and
 “ Abettors, and Counsellors in that Behalf.”

To conceive the Expediency of this Clause,
 it is necessary to inform the Reader, that at that
 Æra the final Determination of all Judicial
 Appeals, in all the *American Colonies*, had been
 invariably vested in their several Assemblies, as
 being their supreme Legislatures, no Appeals
 having been ever made to the King in Council.
 Lord *Colepepper*, indeed, when Governor of *Vir-*
ginia some Years afterwards, and meditating a
 Claim to the Propriety of the Northern Neck
 in that Province, found that his Project would
 not succeed whilst the *Dernier Resort* in Judicial
 Proceedings continued in the General Assembly ;
 and artfully created a Disagreement on this Sub-
 ject, between the Council and House of Bur-
 gesses, which he soon after grossly misrepresented,
 and engaged his Majesty to direct all final Ap-
 peals in the Colonies for the future to himself
 in Council. But however legal this Measure
 might

might be in *Virginia*, (a Royal Government,) it was a manifest Violation of the Rights of all the then Chartered Colonies, and such it has been generally deemed in them; and though, in several Instances, Individuals have submitted to this Regulation, yet those who have the Administration of national Concerns must know, (if their Knowledge is as extensive as it ought to be,) that unless the Executive Authority in the Chartered Colonies, such as *Connecticut* and *Rhode Island*, is willing to adopt the Judgment of the King in Council, relative to Appeals from them, (to which there is no Obligation,) the King has no Way to put it in Execution, nor can he punish their Refusal except by putting them out of his Allegiance, agreeable to the Clause in the Charters last recited; which nevertheless does not warrant his Majesty to take Cognizance of any Disputes between the respective Inhabitants in each of these Colonies. But even the Alteration of Appeals from the *American Assemblies* to the King abundantly proves that the Peers of *England* were not then considered as Peers of *America*, and that the Colonies were not considered as Parts of the Realm, since in that Case, the final Decision of all Judicial Causes in the Colonies must necessarily have been made by the *English House of Lords**.

* The Practice of transporting Felons to the Colonies likewise proves their being without the Realm; as the End and Design of this Punishment is to banish them from the Community they have offended, and from the Benefit and Protection of those Laws they have transgressed.

The next Year, that is, in the 15th of *Charles* the Second, the Territory of *Carolina* was erected into a Principality ; and by a Royal Patent, dated the 24th of *March*, 1663, granted to eight Lords Proprietors, with all its Rights, Privileges, Prerogatives, Royalties, &c. with all the Legislative and Executive Powers of Government exclusively, with the Powers of creating Nobility, &c. This Principality was to be governed by a Palatine, chosen for Life out of the eight Proprietaries, and succeeded by the eldest of the surviving Lords Proprietaries. The Form of Government was settled by a solemn Compact between the People and the Proprietaries, called the Fundamental Constitutions, and consisting of One Hundred and Twenty Articles, which, it was declared, should “ be and remain the sacred and unalterable “ Form and Rule of Government in *Carolina* “ for ever,” By these Constitutions, the Legislative Authority of Government was vested in the Parliament of that Country : The Upper House of which consisted of the Proprietors, or their Deputies, the Governor, and the Nobility, as the Landgraves, &c. and the Lower House, of the Commons, or Delegates of the People ; the Palatine, as Sovereign, either granting or refusing his Assent. The Palatine was likewise President of a Court, composed by himself and three other Proprietaries, in whom was vested the Execution of all the Powers of the Charter.

Besides

Besides this were the Chief Justice's Court, the High Constable's Court, Chancellor's Court, Treasurer's Court, Chamberlain's Court, and High Steward's Court : The great Officers of State, in Titles, Numbers, and Power, resembling those of this Realm : And so fully convinced were the Proprietaries of *Carolina* of their Authority to form that Country into distinct independent States, and so tenacious of this Authority, that they constantly disputed even the King's Right to create Courts of Vice Admiralty therein, though for the Decision of Misdemeanors committed without the Limits of their Charter, appointing an Admiral of their own for that Purpose : And when *Joseph Morton*, the eldest Langrave of that Province, was elected Governor, he was charged with
 “ a Breach of the Trust reposed in him, by the
 “ true and absolute Lords and Proprietaries, in
 “ accepting of a Commission from King *Wil-*
 “ *liam*, to be Judge of the Admiralty in that
 “ Province, when he had, at the same Time,
 “ a Commission from the Lords Proprietaries
 “ for the same Office ;” and this Charge appeared so weighty, that he was, in Consequence thereof, set aside from the Government. These Particulars, I flatter myself, will be deemed sufficient to prove, that the original Constitution and Government of *Carolina*, was that of a distinct, independent State.

The

The fifteenth Year of *Charles* the Second likewise produced an Act of Parliament, naming the Colonies, and establishing further Regulations, “for the Employment and further Increase of *English* Shipping, and Seamen, “Vent of *English* Woollen, and other Manufactures, and rendering the Navigation to and from the same, (the Colonies,) more safe and cheap.” The Justice of this Act, doubtless, depends on the same equitable Principles, as those which authorized the preceding Act of Navigation; but as the Legislature did not think proper to explain their Nature and Origin, I have never been able to discover them.

The ensuing Act, of the 25th of *Charles* the Second, was the first that ever imposed Taxes on the Colonies, for any Purpose: And these, as the Preamble to the Act itself declares, were for the Regulation of Trade, and were confined solely to the Exportation of those Commodities, on which they were imposed, not to *England*, but to Foreigners, and to other Colonies: And in those Articles, where the Duties were heavy, were evidently intended to operate as Prohibitions, and in other Particulars to prevent Foreigners having these Commodities at a cheaper Price than the People of *England*; and not to produce a Revenue, because (besides the Tenor of the Preamble,) the Produce of these Impositions was applied to no Service, and from
thence

thence was evidently not intended as a Supply for any.

This Act was an Extension of that Power, which the Parliament of *England*, by I know not what Right, had assumed and exercised in the two preceding Acts, for regulating the Commerce of the Colonies, and the Duties thereby imposed were considered as Auxiliaries in effecting this Purpose. But whatever Idea the Legislature of this Kingdom might entertain of its Right of imposing Taxes on the Colonies, even for Commercial Purposes, it is certain that the Colonies themselves protested against this first Exercise of it; and this, with the preceding Acts of Parliament, were the principal, if not only Cause, of that general Insurrection in *Virginia*, which, soon after followed under Colonel *Bacon*; for when Sir *William Berkley*, the Governor of that Province, was compelled to fly from the Place of his usual Residence, and retire to *Accomack*, instead of that friendly Reception which he had promised himself from the known Attachment of the Inhabitants to him, even they began to make Terms for a Redress of those Grievances they suffered by Acts, of the Parliament of *England*; and when, after *Bacon's* Death, this Insurrection subsided, the Province sent Agents to *England*, to remonstrate “ *against Taxes and*
“ *Impositions being laid on the Colony, by any Au-*
thority

" *thority but that of the General Assembly.*" This
 Remonstrance produced a Declaration from
 King *Charles* the Second, under the Privy Seal,
 and dated the 19th of *April*, 1676, affirming,
 that " *Taxes ought not to be laid upon the Proprie-*
 " *tors and Inhabitants of the Colony, but by the*
 " *common Consent of the General Assembly* ; except
 " such Impositions as the Parliament should lay
 " on the Commodities imported into *England*
 " from the Colony." This Declaration was
 subsequent to the Act of the 25th of *Charles* the
 Second, and is a farther Proof, that the Duties
 thereby imposed on the Colonies, were consid-
 ered merely as Commercial Regulations, and
 not as Taxes : and this is farther confirmed, by
 the subsequent Conduct of that Monarch, who,
 when a permanent Revenue for the Support of
Virginia was wanting, did not attempt to pro-
 cure it by Parliamentary Authority, but, con-
 scious of the Justice of the Declaration I have
 just recited, framed in *England* an Act for this
 Purpose, and in 1679 sent it to *Virginia* by
 Lord *Colepepper*, Governor of that Province,
 desiring it might be passed into a Law, as it ac-
 cordingly was, and " *Enacted by the King's most*
 " *excellent Majesty, by and with the Consent of the*
 " *General Assembly of the Colony of Virginia,*"
 that a Duty of Two Shillings per Hogshead for
 every Hogshead of Tobacco exported out of
 that Colony ; a Rate of Fifteen-pence per Ton
 for every Ship upon each Return of her Voyage,
 whether

whether empty or full ; and a Duty of Sixpence *per* Poll for every Passenger going into that Country to remain, whether bond or free, should be granted to his Majesty for ever, as a Revenue for the Support of his Government in that Colony.

Let me here desire the Reader to observe the Terms in which this Law was expressed, and the Authority by which it was enacted, and then candidly ask himself, whether he imagines that King *Charles*, if he had deemed the Colonies to be mere *English* Corporations, as our Author would have them, he would have condescended to be named as a Part of their Legislature : Whether the Terms and mode of Expression are pertinent to any other than a distinct Sovereign State, and whether, if the King had deemed *Virginia* a Part of the Realm, and subject to Taxation by Parliamentary Authority, he could have joined himself with any other Persons in that Colony in raising Money from the Inhabitants, without violating the fundamental Principles of the *British* Constitution ? Would he not, in so doing, have levied Money from the People without Consent of Parliament, contrary to the Great Charter, of King *John*, and the Bill and Declaration of Rights ?—I am confident, and I insist, that if the Inhabitants of the Colonies are *British* Subjects, and subject to the Authority of a *British* Parliament, the King cannot
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lawfully

lawfully join himself with any other Authority than the Lords and Commons of *Great Britain* in imposing Taxes on them, because *British* Subjects cannot be constitutionally taxed by any other Authority ; and that if the late Acts of Parliament, imposing Duties upon the Importation of *British* Commodities into the Colonies, are just, every other Act for Levying Money, for or to the Use of the Crown in the Colonies, which has received the Assent of the King or his Governors, is unwarrantable : because this double Taxation for the Service of Government is incompatible with the Privileges of a *Briton*, and as a *British American* I protest against it.

But notwithstanding the Remonstrances of the Colonies against the Act of 25th of *Charles* the Second, and the Royal Declaration in their Favour, it was not totally repealed till some Years after, and the Colonies, then in their Infant State, found that Opposition could have but little Effect on the Measures of a great Nation, and experienced (as they have since done) that the Arguments of the strongest are always the best ; even in the Charter of *Pennsylvania*, which did not precede this Act, as our Author asserts, but was subsequent to it, the King, after granting almost all the Rights and Privileges contained in that of *Maryland*, and copying *Verbatim* from that Charter the Clause of Exemption

exemption from Taxation, adds, " except by the
 " Proprietary, or Chief Governor, or Assembly,
 " or by *Act of Parliament in England* ;" an Ex-
 ception, as far as it concerns the *English* Parlia-
 ment, perfectly singular, having never been
 found in any preceding or subsequent *American*
 Charter, and is eventually very absurd, by ren-
 dering the whole Clause of Exemption useless
 and without Meaning, for the Reasons which I
 have before given. Those Ministers, however,
 who were the Authors of the Act of the 25th of
Charles the Second, thought it necessary, after
 having thereby imposed Duties on the Colonies,
 to make a reservation for them in this Charter,
 which was granted soon after; and chose thus to
 act with Uniformity, tho' not without Absurdity.
 In this Particular, however, they were never imi-
 tated; for in the next *American* Charter, which
 was granted to the Province of *Massachusetts*
Bay by *William* and *Mary* (its old one having
 been cancelled by a Judgment in Chancery) we
 find, that the Power " to levy proportionable
 " and reasonable Assessments, Rates, and Taxes,
 " for our Service, in the necessary Defence and
 " Support of our Government of our said Pro-
 " vince or Territory, and the Protection and
 " Preservation of the Inhabitants there," is
 vested in the General Court, or Assembly of
 that Province, without any Provision for the
 Exercise of this Authority by Parliament;
 and that it was then understood that no such
 Autho-

Authority could be exercised by the Parliament of *England*, will be evident from the following Transaction.

In 1691, when the new Charter of *Massachusetts Bay* was granted, the Agents thought it so inadequate to the Deserts and Expectations of the Inhabitants of that Province, that they debated whether it was their Duty to accept it, or stand a Trial at Law for reversing the Judgment against the former Charter. The Majority, however, after consulting the most able Lawyers and Politicians, resolved to accept it; and, for their own Justification, declared the Reasons of their Conduct, by an Instrument executed by the Majority of them, and containing five Articles, from the last of which I will offer the following Extract, as conveying a just Idea of what they then understood to be the Constitutional Rights and Privileges of that Province.

“ The Colony, say these Gentlemen, is now
 “ made a Province, and the General Court has,
 “ with the King’s Approbation, as much Power
 “ in *New-England*, as the King and Parliament
 “ have in *England*. They have all *English* Pri-
 “ vileges and Liberties, and can be touched by
 “ no Law, and by no Tax, but of their own
 “ making : All the Liberties of their Religion
 “ are for ever secured, &c.”

The Patent for *Georgia* is the last of the *American* Charters, and of the least Importance.

ance in the present Controversy, though our Author's Extracts from it are much more extensive than from any other. In Answer to his Remarks thereon, I shall only observe, that this Charter is of recent Date, and was procured for a Herd of impoverished Wretches, who were to be transported to, and settled in, *America*, by the charitable Contributions of others; and Pity it is, that the Promoters of that Settlement destroyed all the Merit of their Benefactions, by ungenerously depriving the Objects of their Charity of those Rights which alone constitute the Distinctions between Freedom and Slavery. But the little Progress which that Settlement made in that State, and the Change in its Constitution, which has since been found necessary, have abundantly demonstrated, what common Sense ought to have before suggested, that Population, Riches, Arts and Sciences, are the natural and peculiar Fruits of Liberty.

After the 25th of *Charles* the Second, several other Acts succeeded for regulating the Trade and Policy of the Colonies, though no Act, from that *Æra* to the Conclusion of the late War, ever extended Taxation to *America*, unless the Establishment of the Post-Office there be considered as such. Our Author, indeed, gives us the Plan of an Act for compelling the Province of *New-York* to afford a Supply for
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the Support of Government, which, as he tells us, was projected by the Ministry in the Reign of Queen *Anne*, though never brought into either House of Parliament; and this he urges against the Assembly of *New York*, as “ a direct Contradiction to their Assertion, that “ from the first Settlement of the Colonies; it “ has been the Sense of the Government at “ Home, that such Grants (Supplies) could “ not be constitutionally made by Parliament :” If, however, the Sense of the Ministry is, by the Assembly of *New-York*, to be deemed the Sense of Government, and treated as such, *the Sense of Government* will doubtless appear very precarious, often inconsistent, and sometimes absurd. He might, however, have cited, in the Province of *Massachusetts Bay*, an Instance in which the Ministry, by two Governors, *Burnet* and *Belcher*, successively demanded, peremptorily, from the Assembly of that Province, a settled Salary for the Governor’s Support, threatening, in Case of a Refusal, to obtain it by Authority of Parliament : This the Legislature of that Province, conscious and tenacious of the Rights of its Inhabitants, as peremptorily refused to comply with, and the Ministry gave over the Demand, without attempting the Execution of their former Threats. But the Caprice of a Minister is of no great Importance either to support or destroy the Rights of a People, which rest on a
more

more firm and permanent Basis ; and I shall therefore conclude my Observations on this Particular.

After this Review of the most important Transactions relating to the most ancient of our Colonies, I flatter myself it will appear indisputable, that in their first Settlement, they were constituted distinct States, independent to the Parliament of *England*, because I have sufficiently demonstrated that *James* and *Charles*, by whose Authority they were settled, had a Constitutional Right to grant the first Settlers their Title to the Territories in *America*, with all the Powers of distinct Legislation and Government ; and that these Monarchs exercised that Right, will appear sufficiently evident, from the Tenor of the Charters themselves, confirmed and explained by their subsequent Conduct and Declarations, than which nothing more was necessary to constitute the Independence of the Colonies, since if their first Inhabitants received and settled those Countries, on the Terms of independent Legislation and Government, made by those who had a legal Right to grant these Terms, it is self-evident that no Power whatever could afterwards unite them to the Realm of *England*, without their formal and express Consent, which has never been given, nor have they ever been considered as within this Kingdom. It will likewise appear, that
from

from the *Æra* of the first Discovery of *America*, to the 12th of *Charles* the Second, no Act of Parliament had ever been extended to the Colonies, because they were “not within the Realm” or Jurisdiction of Parliament.” At that Time it will be found, that the Legislature of *England* first exercised its Authority in the Colonies, for regulating their Trade, and afterwards for directing their exterior Policy, but, at best, on a very obscure, I will not say, no *Right*. If, however, it should be agreed, that the Colonies were never annexed to the Realm, or within the Jurisdiction of its Parliament, it will require no great Sagacity to determine how far their Submission to these Acts, in their Infant State, can preclude their future Claims to the Right of their original Constitution. * It will likewise appear, that, from the Discovery of *America*, to the *Æra* of *Grenvillian* Administration, the only Act of Parliament that can, with Justice, be said to have imposed Duties, or Taxes, on the Colonies for any Purpose, is that of the 25th of *Charles* the Second; and that this was never designed to raise Money for any national Service, or establish a Precedent for Taxing the Colonies on any future Occasion, has been already abundantly proved by the Nature of the Act, the Tenor of its Preamble, the subsequent Declaration of the King in answer to the *Virginia*

* Quod ab initio injustum est, nullum potest habere juris effectum. *Grot. de Jur. Bel. & Pac.*

Remonstrance, and the Measures he pursued afterwards for obtaining a Revenue for the Support of Government in that Colony, not by Authority of Parliament, but the Consent of the General Assembly of the Province. And as even this Act was deemed an Infringement of the Rights of the Colonies, and as such became the Subject of Remonstrances to the Throne, which were countenanced by the King, no Person will pretend, that it can authorize the *British* Legislature to prescribe for the Right of Taxing the Colonies.—I am, however, uncertain, whether by thus exposing the Title of the Colonies to the Privileges of distinct States, I am acting for their Service, or agreeable to their Wishes, as they do not, at present, dispute the Power exercised by *Great Britain*, in binding them by political and commercial Regulations; it is, however, but just, that those, who, not content with the Exercise of this Power, ungenerously endeavour, from this Concession of the Colonies, to infer a Right of taking away their Property at Pleasure, should know the very slender Foundation that supports even the Power from whence this Inference is deduced.—If, however, I could believe it possible to unite *Great Britain* and the Colonies, equally and justly, in a legislative Capacity, and overcome those insuperable Obstacles which Nature has interposed to this Union, I would endeavour to promote it by

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every honest Expedient, as the surest Method of securing their Stability and Happiness, instead of citing Facts to prove the Right of the latter to the Privileges of distinct Legislation and Government ; but as I cannot believe this practicable, and as I well know, that it is incompatible with their Freedom, and repugnant to the Spirit of the *British* Constitution, to live in Subjection to the Laws of an Assembly in which they have no Representation, I have thought it my Duty thus to explain their original State and Constitution.

I shall not contend with our Author concerning the Difference between internal and external Taxation, or between Taxes for the Purpose of a Revenue, and those for the Regulation of Trade ; as I am convinced, that a Power of imposing Duties, even for commercial Regulations, ought not to be vested in any other Person, or Assembly of Persons, than those who have a Right of Taxing for every Purpose ; because, under specious Pretences, it may be perverted to an intolerable Grievance ; and yet the Conduct of this Nation towards *Ireland* and the Colonies, since its Departure from the Spirit of its original Constitution, by assuming Power of exercising Foreign Legislation, has afforded Cause to believe the real Existence of this Distinction ; and perhaps Duties imposed only to restrain Commerce, and not to procure

cure a Revenue, cannot be deemed Taxes with any Propriety ; at least the apparent Difference is so plausible, that it can afford no Cause for Surprise, if the Colonies were deluded by it, and reluctantly submitted to the Act of the 25th of *Charles* the Second, though they afterwards universally resisted the Stamp Act. But if this be not the Case, it is still a most unnatural Per-
 version of Reason and Argument in our Author, to infer a Right of universal Taxation over the Colonies, by proving the Non Entity of this Difference, as the just and obvious Inference therefrom would operate against every Kind of Imposition for any Purpose.

Our Author observes, that the Colonies do not, “ as yet, reject the Authority of Parliament “ to bind them in any Case, save in the Article “ of Taxation,” but treats their Concession in this Particular, as inconsistent with their other Claims ; alledging, that they must be subject to the Authority of Parliament in every Respect, or else in none ; and perhaps there may be some Justice in this Observation, since in most Countries Legislation and Taxation have been invariably united in the same Person or Persons ; and yet the History and Constitution of *England* afford many Precedents to the contrary. A Bill of Supply is not simply a Law, but a Free Gift from the People, by their Delegates, the Commons of the Realm ; and the
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House of Peers, though an equal Part of the Supreme Legislature, and equally authorized to originate all other Bills, are in the former excluded from that Privilege, nor allowed to make any Addition or Change whatever therein. The Peers are, indeed, allowed simply to give or refuse their Assent to a Money Bill, because they are precluded from the Right of Suffrage for Members of the House of Commons, and unrepresented therein, so that without this Privilege, they would necessarily suffer a Deprivation of one of the most important Rights enjoyed by all other Freeholders in the Realm, that of giving their Property by themselves, or their Representatives. And by the 19th of *Henry* the Seventh, it appears, that the King does not give the Royal Assent, but the Royal Thanks, to Bills of Supply; all which renders it evident, that, by the *English* Constitution, the Right of Taxation is not necessarily vested in the Supreme Legislature of the Nation, but that all Pecuniary Grants to the Crown are properly Acts of the People, giving their Sovereign a Part of their Property, either personally, or by Delegation. And agreeable to this is *Mr. Locke's* Maxim, that “ The Prince, or Senate, “ however it may have power to make Laws, “ for the Regulation of Property between the “ Subjects one amongst another, yet can never “ have a Power to take to themselves the Whole “ or any Part of the Subjects Property, without “ their

“ their own Consent ; because that would be,
 “ in Effect, to leave them no Property at all.”
 Nor is the Practice of the *British* Parliament, in
 imposing Taxes upon the People, at all repug-
 nant to this Maxim, whatever our Author may
 have advanced to the contrary ; because though
 Bills of Supply are originated by the Commons,
 assented to by the Lords, and complimented
 with the Royal Thanks, yet this is not done in
 a Legislative Capacity, as the Lords and Com-
 mons do but make a pecuniary Donation to the
 Crown, the former in Behalf of themselves,
 and the latter as the Representatives of the
 People.

This may be easily demonstrated, by many
 Facts in the Political History of *England*.
 Thus it appears, that while the House of
 Commons anciently granted the Crown Sup-
 plies from those Counties, Cities, and Boroughs
 which they represented, other Parts of the
 Realm, which had no Representation therein,
 such as the Principality of *Wales*, the Counties
 Palatine of *Chester*, &c. were allowed to tax
 themselves, in a Mode adapted to the peculiar
 Circumstances of their distinct Situation : And
 when the Commons afterwards assumed the
 Power of granting Supplies for those Places,
 the King, deeming the Measure repugnant to the
 Principles of the Constitution, suspended the
 Collection of those Grants, till an equal Repre-
 sentation

sentation was allowed them. To this may be added, that the Clergy, though bound to obey the general Laws of the Realm, were antiently allowed to tax themselves. *Ireland*, likewise, has invariably yielded Obedience to the Laws of this Kingdom, for regulating its Policy and Commerce ; and yet there is no *Irishman*, who would not think the *British* Legislature committed a most unjust and oppressive Act in imposing a Land Tax of One Penny *per* Pound on his Estate, though our Author acknowledges that this Tax would be as just as any whatever ; and I flatter myself, that the Colonies have as equitable and rational Pretensions to an Exemption from Taxation, by an Assembly in which they have no Delegate, as the People of *Ireland*, which is in Reality a conquered Country, brought into Subjection by *Henry* the Second, *Jure Gladii*, and submitting on this express Condition, “The People and Kingdom
 “ of *Ireland* shall be governed by the same
 “ mild Laws, as those which govern the People
 “ of *England*.” It is likewise to be remembered, that when King *Charles* the Second, disgusted with the *New-England* Colonies, on Account of their former Attachment to the Commonwealth, brought Writs of *Scire Facias* against their Charters, under various Pretences, the principal Offence, for which Judgment was given in Chancery against the *Massachusetts-Bay*, was, as our Author confesses, that the Colony had
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undertaken to raise Money for the Support and Defence of Government, for which there was no particular Authority in its Charter, although it contained ample Power of Legislation, by an Act which the Colonies were alone authorized to believe, that the Right of making Laws, and that of imposing Taxes, are not necessarily vested in the same Body ; they being, by the *British* Constitution, distinct and separate Acts ; the former of which is to be exercised by the supreme Legislature, and the latter by the People, or their Delegates only.—This, and the preceding Instances, therefore, will sufficiently justify the Colonies from that Absurdity with which our Author charges their Conduct, in acknowledging the Supremacy of Parliament, and yet denying its Right of Taxation.

I flatter myself, that I have now satisfactorily proved, that the most ancient of our Colonies were, agreeable to the express Acts and declared Intentions of the King, lawfully constituted distinct States, and that having been settled on these fundamental and indefeasible Conditions, no Power could afterwards unite them to the Realm, or subject them to the Jurisdiction of Parliament, without their express Consent : I have likewise shewn, that if, rather than avail themselves of their Right to the Privileges of distinct Legislation and Government, they prefer a limited Dependence on the *British* Parliament,

ment, that this Dependence does not necessarily divest them of their exclusive Right to grant their own Property ; and it now remains for me to prove, that they cannot be divested of this Right, and in their present State made subject to Parliamentary Impositions, without being deprived of the most important of those Privileges which are enjoyed by the Subjects of *Great Britain* in general, and even reduced to a State of actual Slavery. This, notwithstanding all the Art and Sophistry with which our Author endeavours to perplex the Subject, is a Task easily executed, even without deducing the Constitution from its *Saxon* Origin, where every one, who had any Landed Property, however small, was instituted to a personal Suffrage in the Supreme Legislative Assembly, or Parliament : I shall not take upon myself a distinct Refutation of all the fallacious Sophisms introduced by our Author, in his Enquiry into the Right of Election and Representation ; they are specious, but repugnant to the Ideas which the Nation has invariably entertained of its Constitution, inconsistent with the Notion of a popular Assembly, and with the Transactions of Parliament, and tending to confound the Opinion which *Britons* universally entertain of the superior Advantage of their Government, and the Regularity of its Operation ; neither shall I controvert his Conclusion, that the “ Right in
“ Corporations of electing Representatives to
“ Parlia-

“ Parliament, is derived from the Grant of the
 “ Crown, and the Members exercise that Right,
 “ because the Corporation holds of the Crown ;”
 and that the Commons distinctly represent
 “ those only who in themselves had a Right to
 “ a Share in the Legislature, and by whom they
 “ were deputed or elected.”

The great *Sidney*, however, has given a much
 better Account of this Matter : “ In the
 “ Counties, (says he,) which make up the
 “ Body of the Nation, all Freeholders have
 “ their Votes ; these are properly *Cives*, Mem-
 “ bers of the Commonwealth, in Distinction
 “ from those who are only *Incolæ*, or Inhabitants,
 “ Villains, &c. These, in the Beginning of
 “ the *Saxons* Reign in *England*, composed the
 “ *Micklegemots*, and when they grew to be so
 “ numerous, that one Place could not contain
 “ them, or so far dispersed, that, without
 “ Trouble and Danger, they could not leave
 “ their Habitations, they deputed such as should
 “ represent them : When the Nation came to
 “ be more polished, to inhabit Cities and Towns,
 “ and to set up several Arts and Trades, those,
 “ who exercised them, were thought to be as
 “ useful to the Commonwealth, as the Free-
 “ holders in the Country, and to deserve the
 “ same Privileges. But, it not being reasonable
 “ that every one should, in this Case, do what
 “ he pleased, it was thought fit, that the King,

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“ with

“ with his Council, (which always consisted of
 “ the *Proceres et Magnates Regni*,) should judge
 “ what Numbers of Men, and what Places
 “ deserved to be made Corporations, or Bodies
 “ Politic, and to enjoy those Privileges; by
 “ which he did not confer upon them any Thing
 “ that was his; but, according to the Trust
 “ reposed in him, did dispense out of the Pub-
 “ lic Stock, Parcels of what he received from
 “ the whole Nation. That which renders this
 “ most plain and safe is, that Men, chosen in
 “ this Manner to serve in Parliament, do not
 “ act by themselves, but in Conjunction with
 “ others, who are sent thither by Prescription;
 “ not by a Power derived from Kings, but
 “ from those who choose them.”

This is perfectly true, and it is the happy
 Privilege of all *British* Subjects, whose Property
 and Condition create in them a permanent At-
 tachment to the Realm, and a Sollicitude for
 its Welfare, to share in that Legislation by
 which they are governed, either personally or
 by Representation. It is not, however, with
 Propriety, that our Author declares, that “ the
 “ King, Lords, and Commons, are their Re-
 “ presentatives;” since, as *Sidney* declares,
 “ The House of Peers, as it is constituted, act
 “ for themselves, and are chosen by Kings.”
 How far the Sovereign is, by the *British* Con-
 stitution, vested with the Legislative Autho-
 rity,

rity, let others determine ; his Assent is, indeed, necessary to give Validity to Laws, yet by his Coronation Oath he is obliged to assent to "*such Laws as the People choose.*" (*Quas Vulgus elegerit.*)

These Observations I have thought pertinent to the present Subject, as tending to ascertain the Rights of individual *Britons*, which is all that seems necessary to determine the Legality of exercising Parliamentary Legislation for the Colonies, if they are within the Realm, as is now pretended, because even our Author does not deny their Inhabitants all the Privileges and Immunities of *British* Subjects, well knowing that such Denial would be repugnant to the *British* Constitution, which places all Subjects, whose Condition is similar, on the same Level of Liberty, and intitles them all to equal Rights and Privileges. In ascertaining this Particular, it is not sufficient to examine what are the Privileges which are common to every *British* Subject ; and because the Rabble of the Kingdom are not intitled to the Right of Suffrage for Members of the House of Commons, from thence to infer, that the Inhabitants of the Colonies, whether possessed of Freeholds or not, ought to be indiscriminately denied that Right, and thereby confounded with those whom the Ancient Laws of the Realm have denominated *Villains*. On the contrary,
let

let us examine the Privileges which belong to *British* Freeholders, and afterwards compare them to those which will remain to the Freeholders in the Colonies, when subjected to the Authority of the *British* Legislature in their present unrepresented State; from whence it will be easily discovered, how far the Operation of the late Acts of Parliament, for raising a Revenue in *America*, is compatible with their Rights as *British* Subjects; possessed of that Share and Species of Property, which, by the Laws of the Realm, entitle them to participate its Legislative Authority. This will determine the present Controversy with unerring Justice; and, on this firm and equitable Basis, the simplest of my Countrymen may encounter even a *Grenville*, a *Knox*, or a *Mauduit*. I shall, therefore, proceed to explain the most important of the Rights of *British* Freeholders, as far as they are necessary to the present Controversy, on the Authority of the late Earl of *Bath*, who declares it to be the unquestionable Privilege of a Freeholder, “to assent to all
 “those Laws, by which he is governed, and
 “that his Life, Liberty, and Property, cannot
 “be taken from him, but according to those
 “Laws.” “So that a Freeholder,” (says Mr. *Addison*,) “is but one Remove from a Legis-
 “lator; for such is the Nature of our happy
 “constitution, that the Bulk of the People
 “virtually

“ virtually give their Approbation to every
 “ thing they are bound to obey.”

Is it necessary for me to ask, How many Removes the *American* Freeholders are from *British* Legislators? Whether they assent to those Acts of Parliament by which their Property is given to the Crown, or whether it can be supposed, without confounding all Ideas of Language and Things, that in their present State they give any other Assent to those Acts, than what is given by the Inhabitants of *France*, or *Spain*, unless the universal Opposition of the People, and the Protests and Resolves of the *American* Assemblies against these Acts, and the Authority by which they have been enacted, can, by some strange Expedient, be construed into *Consent*.

Our Author, however, pretends, in Opposition to the Idea that every *Briton* entertains of the *British* Constitution, and contrary to the Assertion of the Author of the *Considerations on the Propriety of Taxing the Colonies*, that it is not
 “ the Principle of the Common Law, that no
 “ Part of their Property shall be drawn from
 “ *British* Subjects without their Consent, given
 “ by those they depute to represent them;”
 and recites several Passages from the Great Charter of King *John*, and the Statutes of the 15th and 17th of *Edw. II.* which he thinks are favourable

able to his Opinion. It is, however, both absurd and unjust, in the present System of Things, to confine, to the strict Sense of Words, the Meaning of those ancient Acts, which were adapted to the then State of the Constitution, but little altered from its Feudal Institution, when Parliaments were chiefly composed of potent Barons, whose Number, Wealth, and Power at that Æra justly gave them a much greater Share in the Legislature, than is enjoyed by the House of Peers, since the Alteration which has been progressively induced, by the Transition of Property into the Hands of the People, their Enfranchisement from the Vassalage of their Barons, and Papal Authority, together with the Operation of Commerce, Arts, and Sciences. All this is evident from the present Nature of Parliamentary Transactions ; and though, by the Great Charter, &c. the House of Commons is no where intitled to the sole Privilege of originating Bills of Supply, yet, since the Change which I have just mentioned, it has claimed and exercised that Right, as the Representative of those by whom the Burthen of all Supplies is principally supported. Nor need I any other Arguments in Opposition to our Author, than those alledged by the Commons, in Support of their Claim to the sole Right of originating and modifying all Pecuniary Grants to the Crown, and which abundantly

dantly prove it to be a fundamental Principle of the Constitution, that all who, by the Circumstances of their Religion and Property, are intitled to the Privileges of Citizens of the State, shall be taxed only by themselves or their Representatives ; and that the Privilege of introducing and modifying all Acts, for granting Pecuniary Supplies, shall be the sole Privilege of those who represent the greatest Number of those who are to provide the Means of such Supplies ; And, strange as it may appear, it is nevertheless undoubtedly true, that those Members of the late House of Commons, who originated the Bills for granting his Majesty certain *Stamp*, and other Duties, in the Colonies, whose Inhabitants they did not represent, and of which neither they nor their Constituents paid any Part, were convinced of the Truth and Justice of these very Arguments, so repugnant to a Measure of that Nature.

But the Impropropriety, Prolixity, and Diffusion of our Author's Arguments, to invalidate the Claim of the Colonies to Special Representation in Parliament, previous to the Imposition of Taxes by its Authority, would render a distinct Refutation of them as tedious as it is unnecessary, since I flatter myself that I shall be able, with more Brevity, to expose their Fallacy, by a few, just, and natural Conclusions,
from

from as many Propositions of acknowledged and indisputable Truth.

First, then, the Power of Legislation is by the *British* Constitution, vested in the King Lords, and Commons of the Realm (the latter being delegated from those Counties, Cities, Boroughs, &c. which, by Law, are intitled to participate the Authority of making Laws.)

Secondly, If the Inhabitants of the Colonies are not *British* Subjects, they are necessarily not within the Jurisdiction of the *British* Legislature.

Thirdly, If they are *British* Subjects, they are necessarily intitled to all the Rights, Privileges, and Immunities, which belong to *British* Subjects of the same Condition, Class, or Denomination.

Fourthly, By the Constitution and Laws of the Realm, every *British* Subject, possessed of a Freehold of the yearly Value of Forty Shillings, besides the Right he may have of Voting for the Delegates from Cities, Boroughs, &c. is entitled to a Suffrage for the Representatives of the County in which his Freehold is situated.

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This being true, it necessarily follows, that if the Colonies are within the Realm and Jurisdiction of its Parliament, every Individual among their Inhabitants, who is possessed of a Freehold of Forty Shillings *per Annum*, is thereby intitled to an actual Representation in the *British* House of Commons ; and till that Representation is granted, he will be denied one of the most important Rights of a *British* Freeholder, and the Parliament will not be qualified to exercise Jurisdiction over him. This brings the Dispute, between *Great Britain* and the Colonies, to a short, but final Conclusion : A Conclusion that necessarily precludes all future Controversy, and incontestibly demonstrates the Fallacy and Injustice of all those Sophistical Arguments, by which Ministerial and *Grenvillian* Partizans have attempted to involve the Rights of the Colonies in Perplexity and Error. It will now appear absurd to alledge, that the Colonies are not intitled to a distinct Representation in Parliament, because all the Inhabitants of *Great Britain* are not distinctly represented.—I well know that a Mode of Representation, established in those Ages when Land was almost the only Species of Local Property in *England*, must necessarily be unequal, at a Time when Arts, Manufactures and Commerce, have derived a Flow of Wealth of a different Species ; but because *Britons*, residing here, are but unequally or imperfectly

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represented,

represented, shall *Britons*, residing in *America* be wholly unrepresented ? We do not ask a better Representation than our Fellow Subjects in *Great Britain* ; we ask but the same ; we only desire that our Land may be represented by Knights, and our Monied Property by Citizens and Burgeſſes, in that Aſſembly which grants this Property to others ; 'tis this alone that can make us a free People, and enable us to uſe the Language of the great *Sidney** : When ſpeaking of the Rights of *Engliſhman*,
 “ *Aſiatic* Slaves (ſays he) uſually pay ſuch Tri-
 “ butes as are impoſed on them. We owe
 “ none but what we freely give. None is or
 “ can be impoſed on us, unleſs by ourſelves :
 “ We meaſure our Grants according to our
 “ Will, or the preſent Occaſion, for our own
 “ Safety.—The Happineſs of thoſe who enjoy
 “ the like Liberty, and the ſhameful Miſery
 “ they lie under, who have ſuffered themſelves
 “ to be forced or cheated out of it, may per-
 “ ſuade, and the Juſtice of the Cauſe encour-
 “ rage us, to think nothing too dear to be ha-
 “ zarded in Defence of it.” And if this is de-
 nied us, if the Houſe of Commons, in which we
 have no Delegates, aſſumes (in Oppoſition to thoſe
 juſt and cogent Arguments urged againſt the
 Peers by a former Houſe) the Privilege of origi-
 nating and modifying Bills for granting away
 our Property ; the unrepresented *American* Free-

* Diſcourſes on Government.

holder will not only be deprived of the Rights belonging to the Freeholders of *Great Britain*, Rights, for which *English* Patriots have bled, and *English* Monarchs been dethroned, but even reduced to a State much worse even than that of the unrepresented Rabble of this Kingdom; for immense is the Difference between a Nation but imperfectly represented, and a People who have no Representation.

The unrepresented Inhabitants of *Great Britain* are secured in Life and Property, because they pay no Tax, and are governed by no Law, which does not equally affect the Legislators themselves and their Constituents: A Circumstance from which they acquire an effectual Barrier against Oppression; which the *Americans* are so far from enjoying, that every Motive and Suggestion of Interest must operate to their Disadvantage; because the Acts, which impose Taxes on them, are not general, but partial; and instead of burthening those by whom they are made, tend to exonerate the Legislators and their Constituents, the People of *Great Britain*, in Proportion to the increased Weight of the Burthens imposed on the Colonies. Every Restraint, therefore, which affords Security to the unrepresented Inhabitants of *Great Britain*, is either removed or converted into a *Stimulus* to Oppression; and every Temptation which Interest (the most universal and prevalent of all Passions)

Passions) can suggest, must operate against them*. In a State like this, what Security can they have against Oppression, or what Incitements to industry, when the arbitrary Will of a *British* Parliament, over which they can have no Influence or Restraint, and whose Interest it is to oppress them, is to be the precarious *Tenure* of their Property.

This, however, is not all that constitutes the Inequality in the Situation of the Colonies. Those Inhabitants of *Great Britain*, who have no Suffrages at the Elections of the Representatives for Counties, Cities, &c. are yet far from being destitute of Influence; they are connected with the Electors, by Parentage, Relation, Friendship, Commerce, Employment, Dependance, &c. and the Interest they derive from these Connections, when exerted, is far from producing an inconsiderable Effect on the Event of every Election. Thus the Influence of the *London* Merchants, (who, in general, are

* "The Legislative Power, (says *Sidney*,) is not to be trusted in the Hands of any who are not bound to obey the Laws they make. This is the Case with our Parliament, they may make up just Laws, &c. yet they must bear the Burthen as much as others, and when they die the Teeth of their Children will be set on Edge by the four Grapes they have eaten." This Circumstance he deems of the highest Importance for the Security of Liberty "because the Hazard of being ruined by those who must perish with us is not so much to be feared, as by those who may enrich and strengthen themselves by our Destruction," as may happen from the Exercise of Parliamentary Authority over the Colonies.

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not Liverymen,) on these Occasions, is well known ; and even the Applause or Censure of the Rabble is far from being insignificant. But how dissimilar is the Case of the Colonies, unknown to, and unconnected with, either the Representing or Represented ? and subject to a Foreign Power, which they have neither delegated nor intrusted, and which will benefit those, by whom it is exercised, in Proportion to its frequent and oppressive Use ? What Degree of Freedom is compatible with a State like this ? or what can they enjoy therein but Slavery, more wretched and abject than that of the *Spartan Helotes* ? These were the Labourers, the Servants, the Slaves of their Masters, who could know their Burthens, and estimate their Ability to support them : Could see their Sufferings, hear their Groans, be affected by their Misery, relent, and alleviate the Weight of Oppression. The Colonies, on the contrary, would be the Slaves of those to whom they are unknown, and from whom they are widely separated. The Commons, who originate their Taxes, the Lords who assent to them, and the King, by whom they are thanked for granting the Property of others, must be Strangers to their Persons and Circumstances, at least they can have but little Knowledge of their Debility, their Wants and Sufferings, but what is derived from the precarious, and perhaps corrupt Representations, of Officers and Placemen, who,

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distinguishing their own Fortune from that of the State, and, ready to sacrifice the State to their own Advancement, may be, and perhaps have already been, by Interest or Malevolence, prompted to the most injurious Representations of the People among whom they reside.

And let me now ask any Man, whose Mind is not callous to the Sensations of Justice or Humanity, if a State like this is compatible with the Enjoyment of those Rights which constitute the Freedom and Happiness of *British* Subjects ; or of the Terms of those solemn Compacts, on the Faith of which our Progenitors abandoned their native Country, and all its endearing Connections, and encountered the Toils and Dangers which inseparably attend the Settlement of a wild, inhospitable Defeat ; by which the King's Dominions have been widely extended, and the National Commerce and Power so immensely increased ? And is Slavery the Reward which Gratitude or Justice prescribe for Services like these ? If not, why are we calumniated for endeavouring to resist it ? *Britons* revere the Fortitude and Virtue of their Ancestors, who have fought, bled, and died in the Cause of Freedom, and preserved and transmitted to their Posterity, the glorious Franchises of *English* Subjects : And shall we, descended from the same Progenitors, and Heirs to the same Right, be
insulted

insulted with every Species of Detraction, and even intimidated by a Military Force to compel us to relinquish these Rights, and to intail Slavery on our Posterity, who, with the Groans of Oppression, would blend Execrations on the Pusillanimity of their Parents.

If our Cause is just, Resistance is a Virtue ; and if *Britons* are the Aggressors, our Fortitude is laudable ; and if Force may be used in subverting our Rights, what may not be done in their Defence* ? “ Allegiance, says *Sidney*, signifies no more than such an Obedience as the “ Law requires.” Can it, then, oblige a People to submit to that which is repugnant to the fundamental and indefeasible Rights of their Government and Constitution ? I flatter myself, however, that a Nation, distinguished for its Love of Freedom and Justice, will recover from its Delusion, and recoil at the Inhumanity of reducing to Slavery those who, by Descent and Compact, are intitled to all the Blessings of Liberty, and who have merited so much from the *British* Nation. Can there be one uncorrupt *Briton*, who reflects on the Blessings of that Freedom he enjoys, who would even wish to see his *American* Brethren deprived of those Rights, without which they can have no

|| *Iusta piæque sunt arma* (says *Pontius*, the *Samnite*) quibus necessaria, et necessaria quibus nulla nisi in armis spes est salutis. *Tit. Liv. Lib. 8.*

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Security for their Lives or Estates, much less become an Instrument in effecting a Purpose so unjust and inhuman ?

But if the Suggestions of Gratitude, Humanity, and Justice, are of no Avail in the present Contest, I hope the People of *Great Britain* will not be inattentive to the Dictates of true Policy, and national Interest, which are in every Respect contrary to an Infringement of the Rights of my Countrymen. As for the late Acts of Parliament, imposing Duties on *British* Commodities imported into the Colonies, which have more immediately occasioned this Controversy, their direct Repugnance to Equity, and the Principles of Commerce, is so obvious, that every *British* Subject may justly declare, with the ingenious Author of the Case of *Great Britain* and *America*, " That they are
 " so impolitic, that we should reject them, tho'
 " Justice did not condemn them ; that they are
 " so unjust, that we should reject them, were
 " they ever so politic." And I can, with the most perfect Truth declare, that if I wished to see the Colonies formed into distinct States, without the least Connection or Dependence on *Great Britain*, I should not only oppose the Repeal of those Acts, but wish the Duties imposed by them, might be extended to every Commercial Article of *British* Manufacture, as the most effectual Expedient for promoting the Independence

pendence of my Countrymen, since nothing but a Sense of Injuries, and that Spirit of Resentment which Parliamentary Taxation has already inspired, can sufficiently repress their growing Luxury and extravagant Consumption of *British* Commodities, and promote Industry, Frugality, and Manufactures among them.

I cannot however, so far divest myself of an affectionate Attachment to the Land of my Progenitors, as to be unconcerned for its Welfare : With Anxiety I reflect on that Effeminacy, Luxury, and Corruption, which extend to all Orders of Men in this Kingdom, and which, unless Causes fail of their usual Effects, must induce a Decline of Empire ; these, however, may yet be overcome, and the Danger averted. The State, supported by the Youth, Health and Vigour of her Colonies, may yet recover its pristine Integrity and Power, and both they, and the Parent Country, increase and prosper mutually, blessing and blessed by their Political Union. But this Union, necessary to the Being of the State, can never be permanent, unless formed on the Basis of Equity and mutual Advantage, and connected by the Ties of reciprocal Affection.

Let *Britons* divest themselves of all Regard for the Rights of the People of *America*, and of every Sentiment of Humanity, Gratitude,
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and Justice, and attend only to their own partial Interest, and they will find, that even that rightly pursued, will direct them to fix the Constitution of the Colonies on the Pillars of Freedom; to secure their Connection and Friendship, by making it their Interest to continue in Union and Friendship with *Great Britain*, and attach them to the Government, by making it impossible for them to obtain a better: They were planted, and have flourished, under the benign Influence of Freedom, and the Enthusiasm of Liberty glows in their Minds; if it be continued to them, no future Increase of Numbers, or Power, no favourable Concurrence of Circumstances, will ever engage them to a Change of Government, because no Change can be for their Advantage *. But if, on the contrary, they are made subject to the despotic Power of those whom they have neither delegated nor entrusted, and over whom they have no restraining Influence, and if their Life and Property depends on the arbitrary Exercise of this Power, whether it be lodged in a single Person, or many Hundreds, their total Loss of Freedom will be too palpable, and their Slavery too real, too feeling, not to urge them to improve every Occasion which may be favoura-

† “ Being taught by Reason and Experience (says *Sidney*) “ that Nations delight in the Peace and Justice of a good Government, Kings will never fear a general Insurrection, while “ they take Care it be rightly administered.”

ble to a Change of Government, because no Change can be for the worse.

How soon their Increase of Numbers will be sufficient to resist the Power of *Great Britain*, is what I will not determine: Their Force, opposed to this Kingdom, is an Idea that excites Pain and Horror: And though I frequently reflect with Pleasure on their future Increase of Numbers, Wealth, and Power, they are only pleasing when I consider them as employed for the common Happiness and Glory of *Great Britain* and her Colonies. I am therefore unwilling to mention the future Increase of the latter, lest it should be imagined I do it with a Desire to intimidate those, who have the Administration of the Affairs of State, from the Pursuit of those Measures which the Interest of *Great Britain* may require. This, however, is by no means my Intention: I would rather prevail by the more amiable Motives of Justice and Humanity, if happily an Attention to these might have any Influence in the present Contest. A prudential Regard ought, however, to be had to the future Increase of the Colonies, of which many in this Kingdom have conceived but very inadequate Ideas*, and which, per-

* In *Connecticut*, a Colony that has but little immediate Communication with *Great Britain*, and where no transported Felons are ever permitted to land, the Number of Inhabitants had doubled the last seventeen Years preceding the Commencement of the late War, and during that Time had not been at all augmented by Importation from *Europe*, or at least the acquisition

haps, in a few Years, may produce a People too numerous to continue Victims of Oppression, and too brave not to assert their just and constitutional Rights ; and if this should ever happen, that Distance, which separates this Kingdom from the Colonies, might be converted to a very important Instrument for establishing the Independence of the latter. And perhaps it might never be consistent with the Safety of this Kingdom to unpeople itself, by converting its Inhabitants into Armies, and employing them on such distant and *laudable* Expeditions.

The Certainty of the Increase of the Colonies, and the Possibility of their hostile Disposition towards this Kingdom, demonstrate the Necessity, of conciliating Measures. The Time must come, when their Friendship or Enmity will be of the utmost Importance to the very Being of

quisition of Foreigners thereby, from various Discouragements, had not been more than sufficient to compensate the Diminution of Numbers sustained by the Emigration of native Inhabitants to less populous Colonies ; from whence it will appear, that in *Pennsylvania, Maryland Virginia, &c.* to which there is a constant accession of foreign Inhabitants, their Increase must exceed Dr. *Franklin's* Estimation : Nor is this at all extraordinary.—
 “ Wherever a Place is found, (says the celebrated Baron *de Montesquieu*,) “ in which two Persons can live commodiously,
 “ there they marry : Nature has a sufficient Propensity to it
 “ when unrestrained by the Difficulty of Subsistence. A rising
 “ People increase and multiply extremely, because with them
 “ it would be a great Inconveniency to live in Celibacy, and
 “ none to have many Children : The contrary of which is the
 “ Case when a Nation is formed.” *The Spirit of Laws*, Vol. ii.

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the State ; and it is then that the Conduct of those in Power will be either applauded or execrated, as it has tended to secure or alienate their Affections. But if, on the contrary, the Colonies were ever to continue in their present Mediocrity, unable to resist the Force of *Great Britain* ; even then, whatever Species of Government might be established for them, I will venture to affirm, that the more it might be allied to Freedom, the more advantageous to this Kingdom would those become, who might live under it. If they were governed in Moderation and Justice, they would prove the Strength and Support of the State ; but if by Force, they would be its Weakness. Nor could rapacious Tyranny extort half the Sums from them by Taxes, which they would voluntarily contribute, in a State of Freedom, for the Protection and Support of a good Government. Had the People of *New England*, during the late War, when, besides fighting against the common Enemy, they alone expended near three Millions in the public Service, been a disaffected People, could all the Efforts of Despotism have obtained Half the Sum from them ?

It is abundantly evident, from every Transaction in the Colonies, that not the Populace only, but even their Legislative Assemblies, together with the whole Body of the People, unanimously consider Parliamentary Taxation as
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an Infringement of their most important Rights; nor will the Presence of Troops to intimidate, or the Resolution of a Minister to compel them to Submission, whether manifested by official Letters, or echoed from the Mouth of a K—, or converted to P——tary *Resolves*, convince them of its Justice; but every Shilling, which is obtained from them in this Manner, will realize their Ideas of lost Freedom, in a Manner so feeling, as necessarily to alienate their Affections from this Kingdom, and render them a disgusted, disaffected People; and when this happens, Force alone can secure their Dependence; and their Dependence, when it can only be secured by Force, will never afford any Advantage to *Great Britain* during its Continuance; and its Continuance will not be for ever.

These are important Truths, which, abstracted from all Regard to Equity, ought to determine the Conduct of those, on whom the Government of the State depends; and from them let me ask whether the Revenue, produced by the late Impositions on the Colonies, which are the immediate Objects of the present Controversy, is more than sufficient to defray the incidental Charges of the additional Officers employed in collecting it? And whether the Surplus is an adequate Exchange for the Affection of the Colonies, which has been thereby well nigh alienated from their Parent Country?

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But the Impolicy of Measures, tending to discourage *British* Manufactures, and promote those of the Colonies, must be obvious even to those by whom they are apparently abetted : And unfavourable as the Disposition of the present Ministry to the Colonies appears, I am yet persuaded, they would promote the Repeal of the late Acts, but for an imaginary Necessity of supporting the *Dignity of Government*. But let the Wise and Just determine, whether the true Dignity of Government is best supported by an indiscriminate Adherence to every Act, without Regard to its Justice, or by a magnanimous Avowal of Errors, and a voluntary Renunciation of those Measures which may be found repugnant to Equity, and true Policy. That “ the Glory of Kings, is to reform themselves whatever they may have been “ prompted to act contrary to Justice,” was a favourite Maxim with that Prince, to whom *France* decreed the Name of Wise.

These Observations, I flatter myself, will sufficiently demonstrate the Utility, and even Necessity, of removing the late, and desisting from all future Impositions on the Colonies, at least, till they are united to *Great Britain* in a Civil Capacity, and allowed to participate that Authority, by which they are governed. This is evidently prescribed, both by Policy and Justice, and Prudence will dictate the Expedience

dience of doing it, before the Controversy is irreconcilable, or the Affection of the Colonies irrecoverably alienated, and whilst the Conduct of the Legislature can be attributed to a Regard for Justice.

As to our Author's Account of Mr. Grenville's Disposition towards the Colonies, I wish it may be just : I never was among those, who approved that Virulence with which he has been treated by some, and yet willing as I am to believe any thing in his Favour, that is not repugnant to known Truths, without regarding the Stamp Act, there are other Causes for my Incredulity on this Subject.; such, for Instance, was the projected Clause in an Act of Parliament, intended to have been carried into a Law, to empower the Officers of the King's Troops in *America*, to quarter their Soldiers in the Houses of any of the Inhabitants, thereby subjecting them to a Species of Military Tyranny, incompatible with the least Share of Civil Freedom, and unknown in this Kingdom ; repugnant to its Constitution, and similar to that exercised by *Lewis* the Fourteenth, in persecuting the *Protestants* of *France*. Did Mr. Grenville, in this Attempt, preserve a proper Tenderness for the Rights of the Colonies ; or was his Conduct therein consonant to his professed Desire to secure to them the Rights of *British* Subjects inviolate ? Surely not ! I hope, however, he is, by
this

this Time, not only sensible to the Grievance of this his former Attempt, but to the Injustice of subjecting the Colonies to Parliamentary Taxation in their present unrepresented and distinct State, and that he will have the generous Magnanimity to renounce his former Measures ; and whenever this shall happen, I promise, in Behalf of my Countrymen, that they will obliterate every Idea that may have been conceived to his Disadvantage.

Our Author declaims much on the supposed Impracticability of engaging the Colonies to act in due Concert for the general Good, unless by Parliamentary Authority : But whatever Degree of Justice there may be in this Supposition, though it may suggest the Utility of modifying their Government on a Plan more extensively useful, yet, as the assembly of *New-York* has justly resolved, it can “ by no Means induce a Necessity of divesting the Colonies of their essential Rights.”

It is a melancholly Reflection, that a Character the most respectable for Learning, Probity, and Honour, is no Security against those invidious Aspersions, which our Author has directed against Dr. *Franklin*, who will doubtless, think it unnecessary to descend to vindicate himself from such unmerited Censure, since every judicious Person, who impartially peruses the several

ral Addresses from the Assemblies of the *Mas-*
sachusetts Bay and *Virginia*, and unbiaſſed by
 thoſe unwarrantable Inferences which our Au-
 thor has made from them, with all the Confi-
 dence of apparent Truth, conſiders, that theſe
 Representations were extorted from the Colo-
 nies by Letters from the King's Miniſters, urg-
 ing them to take Arms, and repel the *French*
 from their Encroachment on the King's Ter-
 ritories, will eaſily perceive, that they neither
 militate againſt Dr. *Franklin's* Teſtimony to the
 Great Council of the Nation, nor authorize
 thoſe unfavourable Concluſions which he has
 unwarrantably drawn, and baſely aggravated,
 by a pretended Tenderneſs for his Character.
 The Colonies well knew, that by attempting the
 Repulſion of the *French*, they ſhould involve
 themſelves, unaffiſted by *Great Britain*, in an
 Offenſive War, not only with the *Canadians*,
 but with *France* alſo, whoſe Troops would be
 ſent againſt them on that Account. They re-
 flected on the Importance of their former Ser-
 vices, and their very ſparing Rewards, and con-
 ſidered it as a Duty incumbent on *Great Britain*
 to participate the Expence of defending the
 King's uncultivated Territory in *America*, uſurp-
 ed by *France*, and not ſituated within the Li-
 mits of any Colony; and when they were au-
 thorized to expect this, they, at his Maſteſty's
 Deſire, undertook to repel the *French* from
 their uſurped Poſſeſſions in *America* near two
 Years

Years before the Commencement of the last War; which abundantly proves, that their Danger from the Superiority of the *French*, or their own Debility, was not so imminent, as necessarily to involve *Great Britain* in a War with *France*.

As to Governor *Shirley's* Proposal, to assess the Colonies, in proportionate Sums, for their own Defence, during the late War, by Authority of Parliament, it is not strange that a Servant of the Crown should form a Plan of this Nature; but to give it any Degree of Pertinence or Validity, in the present Contest, our Author should have been able to tell his Readers, that the Colonies themselves approved it: But unluckily, neither they nor the Parliament of *Great Britain*, if I may judge from their Conduct, thought it at that Time just or expedient.

Our Author asserts, that “ *Great Britain* “ imports to a much greater Amount from the “ Colonies than the Exports to them; and the “ Balance in Favour of the Colonies, in their “ Trade with her, is that on which most of them “ live, and raise their Fortunes. “ This, however, to say no worse, is a most erroneous Assertion, as may be easily demonstrated by known Facts and Common Sense, without the unnecessary Trouble of recurring to Custom-House Entries, which are ever uncertain as to the real Amount

Amount of *British* Commodities exported. To support his Assertion, our Author states the Imports and Exports between *Great Britain* and *America* in 1765 and 1766, chusing those Years, in which the Exports were unusually small, from the Disgust which his Patron's Stamp Act had excited in *America* ; and as the Exports to the Colonies were, in those two Years, less than the Imports, by 880,811 *l.* (if the Entries of the Custom-House may be credited,) it serves to convey some Idea of the Loss *Great Britain* has already, and may hereafter sustain, by that unhappy Scheme of Taxing the Colonies.

It is an indisputable Truth, that any Nation which imports, from another, Commodities of greater Value, than those exported thereto, must necessarily be in Debt to the latter. This Kingdom, however, neither is, nor ever was, in Debt to the Colonies : They, on the contrary, owe *Great Britain* very considerable Sums, on Account of the Deficiency in the Value of those Commodities they send hither, even though they maintain a circuitous Commerce with almost all the Nations of *Europe* and *America*, and ransack *Spain*, *Portugal*, *Holland* the *English*, *French*, *Spanish*, *Dutch*, and *Danish* Plantations in *America*, to acquire Bills of Exchange and Money, for the Payment of *British* Commodities. Is not this a Truth universally known ; and does it not directly falsify our Author's Assertion ? It is

is indeed true, that the *British West India* Islands send more to *Great Britain* than they receive from her ; but the Balance in their Favour, instead of being carried out of the Nation, eventually becomes a Free Gift to the People of *Great Britain*, being squandered away by those numerous *West-Indian* Families, who either visit or reside in this Kingdom ; this is evident, because no Money is ever carried from hence to any Part of *America*, in Return for its Produce. To this let me add, that all the Commodities exported from hence to *Africa*, and used in the Slave Trade, ought to be considered as sent to *America*; because the Slaves, for which they are exchanged, are sold in the Colonies, and paid for in Money, Bills, or Commodities remitted hither ; from all which it is evident, that the Trade of the Colonies is, of all others, the most fruitful Source of Wealth and Power to this Kingdom ; its Streams are, indeed, at present, unhappily diminished, and a Perseverance in the present Measures may, perhaps, in a little Time, make them cease to flow.

I have purposely avoided any Observations on the many Absurdities, which our Author has unjustly imputed to the Colonies, thereby to give their Claims a ridiculous Appearance, and procure an Opportunity of introducing his own Witticisms. These are contemptible Artifices, unworthy of Notice. I shall likewise
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pass over the fallacious Declamation with which he finishes his Review ; its Impertience will be sufficiently obvious, if my preceding Observations have produced that Conviction, which, I flatter myself, their Truth and Importance merit. Menacing the Colonies, he tells them, “ There is a Spirit rising in this Country, “ which will make you know its Strength, and “ your own Weakness ; that will convince you “ of its Authority, and of your Dependence.” By this *tremendous* Spirit, I presume he means that Temerity, which has impelled our present Ministers to brave the Resentment of an injured People, and insolently trample under Foot the common Rights of *Britons* and *Americans*, without Discrimination. But, stripped of that Confidence and Power they have abused, in a little Time they will be taught by painful Experience, the Extent of their Misconduct. Happy ! thrice happy will it be, for *Great Britain* and the Colonies, if this *Æra* shall arrive before an incongruous intemperate Ministry has irrefragably confirmed their unhappy Disagreement, or irrecoverably destroyed that mutual Affection, which forms the strongest and most permanent Union between them, and exposed us to all the Miseries arising from Civil Discord.

Having now demonstrated the Impolicy and Injustice of the Measures lately adopted for governing the Colonies, I hope I shall not incur
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the Charge of Presumption, by offering to the Publick a Plan for determining the Nature of their Dependence and Connection to *Great Britain*, ascertaining the Extents of their Rights, and fixing their Constitution on an equitable and permanent Basis. This, though of the highest Utility, has never been attempted by any of those numerous Writers, who have been employed in the present Controversy between *Great Britain* and the Colonies; and I am too sensible of the Difficulty that must attend its Execution, to flatter myself that the Plan which I shall propose, will be found unexceptionable, or incapable of Improvement by others: On the contrary, I shall have accomplished my Purpose, if the Attention of the Publick may, by this Attempt, be attracted to an Object of the utmost Importance, and the Legislature engaged to establish the Government and Dependence of the Colonies on the Principles of Justice and mutual Advantage.

* “ The present Session of Parliament should
 “ determine upon some permanent System in this
 “ Point; *Great Britain* should fix the Pretensions
 “ which she will never relinquish, and the Colo-
 “ nies should have certain Information of those
 “ Claims which they must submit to. Until
 “ such a System be resolved on, there will be
 “ Irresolution on one Side, and Repugnance on

* Case of *Great Britain* and *America*.

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“ the other, and no System can be stable that is
 “ not founded upon Equity and Wisdom.”—
 That determined Opposition to Parliamentary
 Taxation, which has universally arisen in the
 Colonies, is now suspended, by the Hopes of
 obtaining Relief from the Wisdom and Justice
 of the *British* Legislature; but if, contrary to
 their Expectation, the present Session of Parlia-
 ment should elapse, without this happy Effect,
 and their Petitions be dismissed with no other
 Determination than that contained in the Reso-
 lutions and Addresses of the L—ds and C—ns,
 who that is sollicitous for the Welfare of the
 State, and acquainted with the Temper and De-
 signs of the Colonies, but must fear, that their
 present Tranquility will suffer an unhappy In-
 terruption the ensuing Summer?

I have already declared, that if it could be
 thought practicable to unite the Colonies to
Great Britain in a Civil Capacity, and on an
 equal Basis of Freedom, I should wish my
 Countrymen to participate the Happiness of
British Laws and Government: But the Dis-
 tance which Nature has interposed, creates insur-
 perable Obstacles to this Union. The Expence
 and Inconvenience which must attend a Repre-
 sentation from a Country so remote; the little
 Advantage it could produce to a People, who,
 from their Situation, could have no Opportu-
 nity of knowing or directing the Conduct of
 their

their Delegates; the Insufficiency and Imperfection of Laws, made by Persons unacquainted with the State of those for whom they are made; and the frequent Necessity of present and immediate Legislation, joined to the great Delay and Expence that would necessarily attend all private Bills, are such important Difficulties, as must render Government, in these Circumstances, a Grievance to them, rather than a Benefit. To this let me add, that the Executive Authority, unconstrained by the Legislative Power of the Colonies, would become oppressive, and the People of *America*, deprived of their Assemblies, would become Victims to the Tyranny and Rapacity of every haughty, avaricious, or needy Governor, disposed to avail himself of the Advantages deducible from their Distance, and his own Connection and Interest with those in Power. To these might be added, many other Obstacles of a similar Nature, which are sufficiently known, and abundantly prove the Impracticability of an *American* Representation in Parliament, without which the Colonies cannot be united to *Great Britain* in a Civil Capacity, and yet continue to enjoy those Privileges, which constitute the Happiness of *British* Liberty. From hence, the Necessity of a distinct Government for the Colonies will appear. But as the *British* Legislature will, perhaps, never consent to emancipate them from every Kind and Degree of Subjection to
 Q itself,

itself, I hope my Countrymen, to avoid the Evils of Civil Discord, and Enmity with their Parent Country, will relinquish some of those Rights which are enjoyed by the Subjects of *Great Britain*, for the Preservation of those which are of more Importance; for the Security of their Lives, and *acquired* Property; and as they cannot be united to *Great Britain* in a Civil Capacity, let them unite to her in a Commercial one; and forming with this Kingdom, and its other Dependencies, one Commercial Empire, submit their Trade to the absolute Government of the *British* Parliament, (without desiring a Representation therein,) to be restrained and directed by its Laws for the general Good.

This Submission, I know, will deprive them of many Advantages for the Improvement of their Property, and leave them a less Share of Freedom, and fewer Privileges, than are enjoyed by *British* Subjects: But let them offer this Sacrifice, as a Tribute to their Parent Country, and the Advantages resulting from their Connection and Intercourse with it; and let *Great Britain*, on the other hand, be content with these Concessions, as abundantly sufficient to secure the Dependence of the Colonies. A Power over the Trade of a People, affects the Merchants, the Landholders, and the Manufacturers; it may command a Stag-
nation

nation of their Property, and diminish its Value, by preventing its Increase ; it may deprive them of the Sea, the common Benefit of Mankind, and render their Strength Labour, and Ingenuity, of but little Value : And surely a Power more extensive cannot be desired by those who do not wish to deprive us of every Degree of Freedom ; and let not *Britons* wish for more. Let them, for their own Advantage, leave us the intire Disposal of that Property, which we may be permitted to acquire through all these Restraints, and not discourage our Industry, when it must ultimately benefit themselves. *Let the British Legislature disclaim all Right of taxing us, even for regulating our Commerce, because, as I have already observed, that Right, under specious Pretences, may be perverted to the Purpose of raising a Revenue.* Whenever, therefore, a Trade is prejudicial to the Parent Country, instead of restraining it by Duties, let it be prohibited by Laws, and let Penalties be annexed to the Breach of them. Let the Colonies enjoy the Right of manufacturing the Produce of their own Lands, because this is a Right necessary for the Preservation of Life, and conferred with it on all Mankind ; but let *Great Britain* have Power to restrain the Exportation of these Manufactures to the Detriment of her own Commerce. Let the Colonies, in their own distinct internal Government, continue to obey such Laws only as shall be made by their
 respective

respective Assemblies ; but as in War, and a Variety of other Occasions, they will have one common Interest, and ought to act equally and with Unanimity for their general Good, let them be united in a general Political League and Confederation, for their common Government, and mutual Support and Defence : And for managing, directing, and ordering all Affairs concerning the whole Confederation, let a certain Number of Commissioners be chosen, by the Assembly of each Colony, and authorized to hear and determine all Affairs of War or Peace, and of Aids, Supplies, Pecuniary Grants, and all other Things which are proper Concomitants or Consequences of such Union or Confederation, for Amity, general Government and Defence, without intermeddling in any Affairs or Concerns appertaining to the distinct internal Government of any Colony, which is ever to be preserved inviolate.—The Number of Commissioners from each Colony might depend on the Discretion of the said Colony, but their Voices ought to be limited, according to the Number and Wealth of the Inhabitants in the Colony from whence they are delegated. These Commissioners to be annually elected, and assembled at stated Times, or on particular Occasions, by some one of the King's Governors, or other Person to be appointed by his Majesty for that Purpose, and authorized to give the Royal Assent to any Acts of the said Assembly,

Assembly, which Assent shall be necessary to give them Validity ; and all Acts which shall be made or done by the Majority of Voices so assembled, and assented to by the King's Deputy, shall be absolutely binding on the several Confederated Colonies, to all Intents and Purposes, as if they had been made or done by their respective Assemblies ; and all pecuniary Aids and Supplies, which may be granted for any just Purpose, by the assembled Delegates from the Confederated Colonies, shall be raised or levied by their respective Assemblies in just Proportion, according to the Wealth and Number of Inhabitants in each Colony, in such Manner, and from such Objects, as to each shall appear most eligible. But to prevent the Evils which may arise from Corruption, or breach of Trust, let the Delegates be made responsible for their Conduct, and obliged to act in Conformity to such Instructions as they may receive from the Assemblies by whom they are chosen, which Instructions they shall desire upon any Affairs of an extraordinary Nature or unusual Importance. And if the Part which the Confederated Colonies may take in all the Wars in which *Great-Britain* may be engaged, and the Expences they may thereby incur, as well as in defending themselves against their *Indian* Enemies, joined to the Benefit which this Kingdom may derive from the Power of confining their Commerce to the Channels of its own Interest, should not be found

found sufficient to defray the necessary Charges of their Government and Protection, let his Majesty require the proper Aids and Supplies from the Assembly of the united Colonies, instead of attempting to procure it by Authority of Parliament. This will afford them the pleasing Opportunity of demonstrating their Affection and Loyalty to their Sovereign, and preserve to them the important Privilege of granting their own Property, which is enjoyed by every other Part of the *British* Empire: And surely the Liberality of their former Grants, for the public Service, is a sufficient Earnest of their future good Conduct, and proves that they well deserve this Privilege.

In all Causes between any of the Inhabitants of any Colony, let final Appeals be made, not to the King in Council, but to the General Assembly of the Colony, as was invariably practised, till that Alteration, which Lord *Colepepper* procured, for a private and lucrative Purpose. Till then the Legislature of each Colony had been its Supreme Court of Chancery; and sure none could better administer the Laws than those by whom they are made. It is, besides, a real Grievance on the Inhabitants of the Colonies, to be rendered amenable to a Foreign Judicature, from the Verdict of their Equals and Neighbours, who, from their Situation and Connection, are, of all others, the best qualified

sied to judge rightly. Does it not deprive them of the important Privilege of a Trial by their Peers?

In all Disputes between two or more Colonies, let the Matter be finally determined by the General Assembly of the Confederates; and in any Difference between the Colonies and any other of his Majesty's Subjects, or Allies, let the Decision be made by the King in Council.

Our Author has declaimed much on the Impracticability of engaging the Colonies, in their present State, to act with Unanimity, and in Concert for the general Good, which he considers as a Fact that requires and justifies the Exercise of Parliamentary Authority, for governing them. But I have already proved, that this Authority, when exercised over their Property, is incompatible with the Enjoyment of their Rights; and I flatter myself, that every one will discover, that it will be rendered perfectly unnecessary by the Confederation that I have now proposed, which will both secure them against all the Inconveniencies arising from Want of Union, Harmony, and Alacrity, and effectually preserve to them all the Rights of Property; and, indeed, this seems the only Expedient for effecting these important Purposes.—A similar Union and Confederation was formed, in 1640, between the four *New England* Colonies,

Colonies, and subsisted for many Years, to their mutual Advantage.

These may serve as the Outlines of a Plan for establishing the Government and Dependence of the Colonies ; and, as such, I shall presume to offer them to the Consideration of those who are entrusted with the Administration of National Concerns, to be improved, amended, and afterwards proposed to the Assemblies of the Colonies, as the Conditions of a voluntary Compact, and an everlasting Union between the King's *British* and *American* Subjects ; and to give all possible Validity to this Compact, let it be assented to by the King, the Parliament, and the General Assemblies of the Colonies.—But in settling the Terms of this Union, let *Britons* act with Moderation, and attend to the Dictates of true Policy ; let them consider, they are forming a Compact with a People, whose future Increase will hereafter necessarily put it in their Power to break its Conditions with Impunity ; and that the only effectual Expedient to guard against this Event, and discharge their Duty to their Country and Posterity, is to act with such Justice, Moderation, and even Indulgence, towards the Colonies, that, however they may hereafter have the Power, they may never have the Inclination, to violate the Conditions of their Connection and Dependence on *Great Britain* ; and on this Subject

ject I can, with Justice, adopt the Language of the Ambassador of the *Privermates*, who, when questioned by the *Roman Senate* concerning a Peace he was sent to solicit, answered, “ If the Terms you grant us be good, the
 “ Treaty will be observed by us faithfully and
 “ perpetually ; if bad, it will soon be broken*.” Convinced of the Truth and sound Policy contained in this Answer, and its obvious Application to the Colonies, *Great Britain* will govern them with Lenity, even in her Commercial Capacity : Before she expects them to participate her Burthens, she will make them able ; and instead of governing their Commerce, on those confined Principles that influenced a late Ministry, she will allow them every Degree of Freedom compatible with her own Trade, and by happy Experience will soon discover, what due Observation might, before this, have taught, that the best Way of Taxing them, is by conferring Benefits on them, which will naturally revert to the Donors, with Increase, or at least may always be made to do so, by the Commercial Policy and Superintendency of the *British* Legislature, mildly exercised, over a loyal and grateful People. This is the utmost Extent of Taxation that one People can exercise over another : This is the Policy by which *Britain* can alone govern the East and the

* “ Si bonam dederitis fidam et perpetuam, si malam haud
 “ diuturnam.”

West; and this that Wisdom which alone can heal the Wounds of Publick Credit, and support the Weight of a tottering Empire.

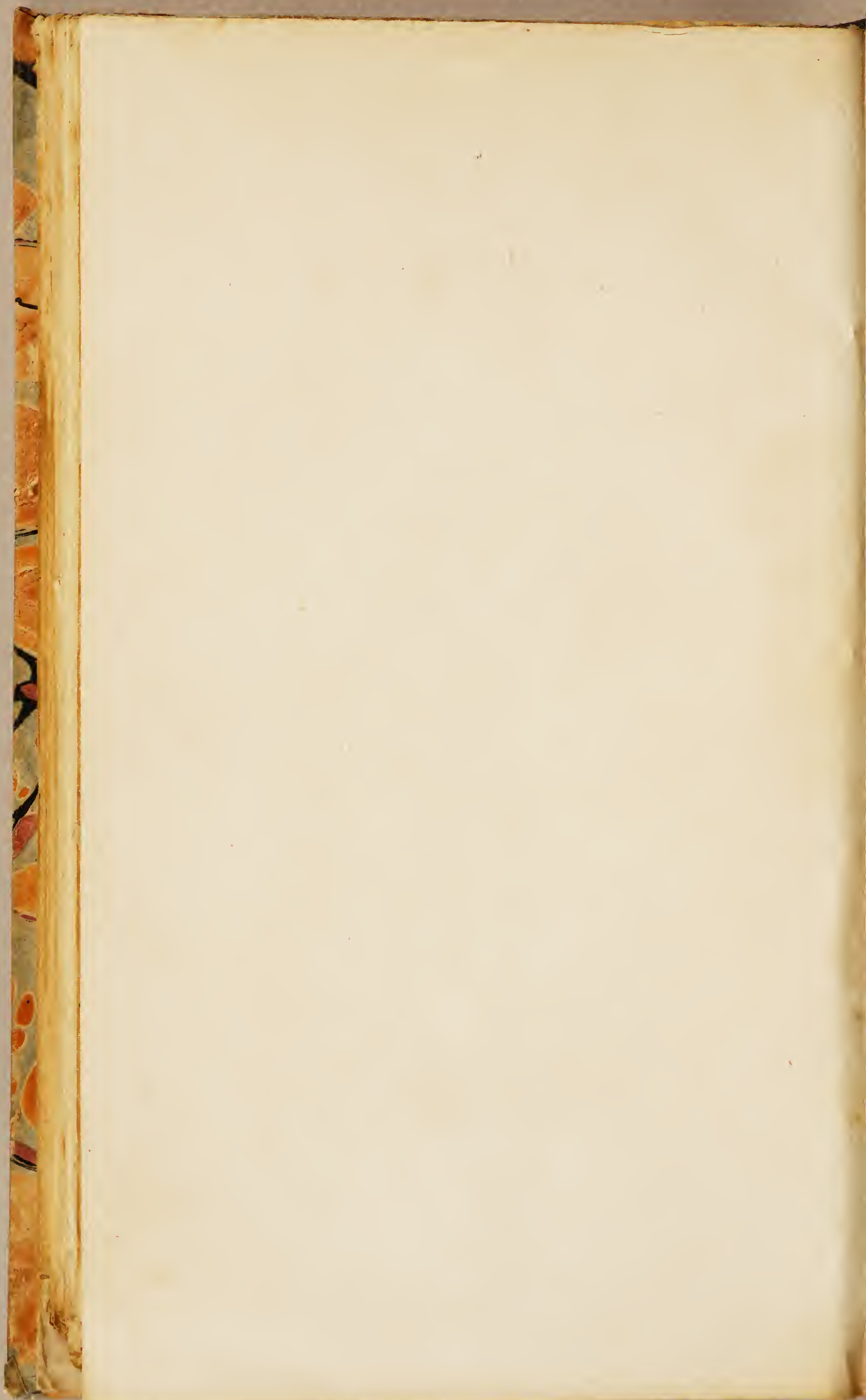
These are Reflections which I would wish to convey to the Mind of every *Briton*.—They are the real Sentiments of one, who is sollicitous for the common Welfare of this Kingdom and the Colonies, and has bestowed some Attention on the present Subject.—If, in the preceding Observations, he has advanced any thing dissonant to Reason or Truth, it has been done without his Knowledge or Design; and he flatters himself, that the Rectitude and Integrity of his Intention, in this Undertaking, will plead in Excuse for those Errors to which every Person is, in some Degrees, exposed, from the Imbecillity of human Reason.

F I N I S.

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